

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

FRANCISCO JAVIER CANO,	:	CIV. NO. 23-3821 (RMB)
	:	
Petitioner	:	
v.	:	MEMORANDUM OPINION
	:	
WARDEN, FCI FORT DIX,	:	
	:	
Respondent	:	

IT APPEARING THAT:

1. On or about July 18, 2023, Petitioner Francisco Javier Cano, a prisoner confined in the Federal Correctional Institution in Fort Dix, New Jersey, filed a petition for writ of habeas corpus under 28 U.S.C. § 2241, seeking application of earned Time Credits under the First Step Act (“FSA Time Credits”). (Pet., Docket No. 1.) The Court directed Respondent to file an answer to the petition, and granted Respondent’s request for an extension of time to do so. (Orders, Docket Nos. 2, 6.)

2. On October 16, 2023, Respondent filed an answer to the petition. (Answer, Docket No. 7.) Respondent opposed habeas relief pursuant to 18 U.S.C. § 3632(d)(4)(E)(i), which excludes prisoners who are subject to an immigration final order of removal from application of FSA Time Credits toward pre-release custody or early transfer to supervised release. On May 30, 2023, the Secretary of Homeland Security issued Petitioner a Notice of Intent, Decision to Reinstate Prior Order of Removal (Ex. A, Docket No. 7-2.) Then, on February 13, 2024, Respondent filed a letter informing the Court that Petitioner was released from Bureau of Prisons custody on February 9, 2024. (Letter, Docket No. 8.)

3. “If developments occur during the course of adjudication that eliminate a plaintiff’s personal stake in the outcome of a suit or prevent a court from being able to grant the requested relief, the case must be dismissed as moot.” *Blanciak v. Allegheny Ludlum Corp.*, 77 F.3d 690, 698–99 (3d Cir. 1996).

4. The petition no longer presents a live case or controversy. Therefore, the Court will dismiss this matter as moot.

An accompanying Order follows.

DATE: **February 15, 2024**

s/Renée Marie Bumb
RENÉE MARIE BUMB
Chief United States District Judge