WENG v. DECKER et al Doc. 8

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT **DISTRICT OF NEW JERSEY**

YU TENG WENG,

Civil Action No. 17-3243 (JMV)

Petitioner.

v.

OPINION

ERIC TAYLOR, Director Hudson County Corr. Facility,

Respondent.

APPEARANCES:

Robert Patrick Haney, Jr. **COVINGTON & BURLING LLP** The New York Times Building 620 Eighth Avenue New York, New York 10018

On behalf of Petitioner

BRYAN K. LONEGAN UNITED STATES ATTORNEY'S OFFICE District of New Jersey 970 Broad Street, Suite 700 Newark, NJ 07102

On behalf of Respondent

VAZQUEZ, United States District Judge

On May 8, 2017, Petitioner filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (ECF No. 1), challenging his prolonged detention since August 3, 2015, by U.S. Immigration and Customs Enforcement ("ICE"). (ECF No. 1 at 2.) This Court ordered Respondent to answer the petition. (ECF No. 2.) Subsequently, Petitioner filed motions for pro hac vice admission of Kemper Diehl, Esq. and Charlene Wang, Esq. (ECF Nos. 3, 4.) On June 30, 2017, Respondent

submitted a Release Notification dated June 19, 2017, showing that ICE approved Petitioner's

release from custody pending removal, and an Order of Supervision, signed by Petitioner on June

23, 2017. (ECF Nos. 6-1, 6-2.) Respondent contends the habeas petition is moot. (ECF No. 6.)

Petitioner filed a Notice of Voluntary Dismissal without prejudice. (ECF No. 7.)

A habeas petition "generally becomes moot when [a petitioner] is released from custody"

because there is no longer "an actual injury traceable to the defendant and likely to be redressed

by a favorable judicial decision." Vasquez v. Aviles, 639 F. App'x 898, 902 (3d Cir. 2016)

(quoting DeFoy v. McCullough, 393 F.3d 439, 442 (3d Cir. 2005)). The present petition no longer

presents a case or controversy under Article III, § 2 of the United States Constitution because

Petitioner is no longer detained by ICE. See id. (finding petition moot where there were no

collateral consequences that could be addressed by success on the petition after removal) (citing

Abdala v. I.N.S., 488 F.3d 1061, 1064 (9th Cir. 2007)). Therefore, the petition is dismissed as

moot. The motions for pro hac vice admission of Kemper Diehl, Esq. and Charlene Wang, Esq.

(ECF Nos. 3, 4) are also dismissed as moot.

An appropriate Order follows.

Date: July 5, 2017

At Newark, New Jersey

s/ John Michael Vazquez JOHN MICHAEL VAZQUEZ

United States District Judge

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