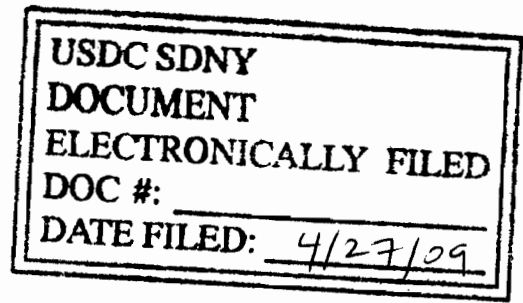


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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ALBERT BOBO JOHNSON, :

Petitioner, :

- against - :

ERIC H. HOLDER,¹ Attorney General of the United States, et al., :

Respondents. :

-----X

**REPORT AND
RECOMMENDATION
TO THE HONORABLE
RICHARD M. BERMAN**

09 Civ. 1510 (RMB) (FM)

FRANK MAAS, United States Magistrate Judge.

Pro se petitioner Albert Bobo Johnson (“Johnson”) brings this habeas proceeding, pursuant to 28 U.S.C. § 2241, to challenge his detention for almost six months by Immigration and Customs Enforcement (“ICE”), an agency of the United States Department of Homeland Security. According to his petition (Docket No. 1 (“Petition” or “Pet.”)), Johnson was held because ICE could not obtain the necessary travel documents to deport him to Liberia.

Johnson’s Petition was filed on February 19, 2009. (See Docket No. 1). Your Honor thereafter referred the matter to me. (Docket No. 2). Pursuant to your referral, I issued an order on March 30, 2009, setting forth a briefing schedule. (Docket No. 3). Johnson’s copy of the order, which my Chambers sent to the Varick Federal

¹ Eric H. Holder, the current Attorney General of the United States, has been substituted as the defendant pursuant to Fed. R. Civ. P. 25(d).

Detention Center (“Varick”), was returned with the notation that Johnson was no longer there.

Because ICE detainees often are moved from facility to facility, it is the practice of my Chambers to inquire as to their current whereabouts. As a result, we have learned from ICE that Johnson is no longer at Varick and, instead, is a fugitive. In light of this development, Johnson’s Petition, which seeks only release-related relief, should be dismissed as moot. (See Pet. Prayer).

I note that Johnson has not advised the Court of his present whereabouts. Nevertheless, out of an excess of caution, I am sending a copy of this Report and Recommendation to his last known address at Varick.

Conclusion

For the foregoing reasons, the Petition should be dismissed as moot.

Notice of Procedure for Filing of Objections to this Report and Recommendation

The parties shall have ten days from the service of this Report and Recommendation to file written objections pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure. See also Fed. R. Civ. P. 6(a) and (d). Any such objections shall be filed with the Clerk of the Court, with courtesy copies delivered to the chambers of the Honorable Richard M. Berman and to the chambers of the undersigned at the United States Courthouse, 500 Pearl Street, New York, New York 10007, and to any opposing parties. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(a), 6(d),

72(b). Any requests for an extension of time for filing objections must be directed to Judge Berman. The failure to file these timely objections will result in a waiver of those objections for purposes of appeal. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(a), 6(d), 72(b); Thomas v. Arn, 474 U.S. 140 (1985).

Dated: New York, New York
April 27, 2009



FRANK MAAS
United States Magistrate Judge

Copies to:

Albert Bobo Johnson
#073-489-716
Varick Federal Detention Center
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New York, New York 10014

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