

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISTIAN FLORES,

Petitioner

14 Cv. 10056 (JGK)

- against -

MEMORANDUM OPINION AND
ORDER

MICHAEL PHILIPS,

Respondent.

JOHN G. KOELTL, District Judge:

In December 2014, the pro se petitioner, Christian Flores, brought this action pursuant to 22 U.S.C § 2241, seeking release from his detention in the custody of United States Immigration and Customs Enforcement ("ICE"). By letter dated June 29, 2015, the Government advised the Court that on May 14, 2015, ICE ordered the petitioner to be released from detention pursuant to an Order of Supervision. See June 29 Letter, Ex. A. (ECF No. 9). The petitioner has not filed any letter in response.

The petition claims that on September 27, 2012, an immigration judge ordered the petitioner to be removed to El Salvador, and on November 28, 2014, the Board of Immigration Appeals ("BIA") affirmed that order. In August 2014, Flores was transferred from the custody of the New York State Department of Correction to ICE custody. In the petition, Flores appears to only seek release from his physical detention in ICE custody based on Zadvydas v. Davis, 533 U.S. 678, 696 (2001).

In this case, all Flores appears to be seeking in the petition is his release from detention, which the Government has already granted. Therefore this case is moot. See, e.g., Harvey v. Holder, 63 F. Supp. 3d 318, 320-21 (W.D.N.Y. 2014) (dismissing habeas petition as moot where petitioner only sought relief from custody and was released); Johnson v. Reno, 143 F. Supp. 2d 389, 391 (S.D.N.Y. 2001) ("A habeas corpus petition seeking release from [ICE] custody is moot when the petitioner is no longer in [ICE] custody.").

Accordingly, the petition is **dismissed**. **The Clerk is directed to close this case.**

SO ORDERED.

Dated: New York, New York
July 31, 2015

_____/s/_____
John G. Koeltl
United States District Judge