UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

OMAR DALE,

Petitioner,

Case # 18-CV-6937-FPG

v.

DECISION AND ORDER

MATTHEW WHITAKER, et al.,

Respondents.

Petitioner Omar Dale brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. §§ 1651 & 2241, challenging his continued detention at the Buffalo Federal Detention Facility. ECF No. 1. Respondents have notified the Court that on June 27, 2019, Petitioner was removed from the United States. *See* ECF No. 8. The Court now considers whether Respondents' information that Petitioner's removal renders the case moot. *Id.*

"[A] case is moot when the issues presented are no longer live or the parties lack a legally cognizable interest in the outcome." *Cuong Le v. Sessions*, No. 17-cv-1339, 2018 WL 5620290, at *2 (W.D.N.Y. Oct. 29, 2018). To the extent a habeas petition challenges only the alien's continued detention, the petition becomes moot once the petitioner is removed. *See, e.g.*, *Torres v. Sessions*, No. 17-CV-1344, 2018 WL 5621475, at *2 (W.D.N.Y. Oct. 29, 2018) (collecting cases); *Garcia v. Holder*, No. 12 Civ. 3792, 2013 WL 6508832, at *2 (S.D.N.Y. Dec. 11, 2013) (same). This is because the relief sought in the "habeas proceeding—namely, release from continued detention in administrative custody—has been granted." *Arthur v. DHS/ICE*, 713 F. Supp. 2d 179, 182 (W.D.N.Y. 2010).

Accordingly, Petitioner's challenge to his continued detention has become moot in light of his removal from the United States, and his petition is dismissed.[1] *See id.*

CONCLUSION

For the foregoing reasons, the petition is DISMISSED. The Clerk of Court is directed to enter judgment and close this case.

IT IS SO ORDERED.

Dated: September 9, 2019
Rochester, New York

HON. FRANK P. GERACI, JR.
Chief Judge
United States District Court

[1]To the extent that the petition could be read to encompass a broader challenge to Respondents' authority to remove Petitioner, the Court lacks jurisdiction to entertain such challenges. *See McRae v. Sessions*, No. 16-CV-6489, 2018 WL 5960858, at *2 (W.D.N.Y. Nov. 14, 2018).