

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

AMETE TEFAMICAEL,

Petitioner,

Case # 19-CV-6362-FPG

v.

DECISION AND ORDER

KIRSTEN NIELSEN, et al.,

Respondents.

Pro se Petitioner Amete Tesfamicael brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging her continued detention at the Buffalo Federal Detention Facility. ECF No. 1. Respondents have notified the Court that on July 1, 2019, immigration authorities released Petitioner from detention pursuant to an Order of Supervision. ECF No. 6-1 at 1. Respondents now move to dismiss the petition, arguing that Petitioner’s release renders the case moot. ECF No. 6. Because the Court agrees, Respondents’ motion is GRANTED.

“[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 alien is released from custody pursuant to an Order of Supervision. *See, e.g., Hubacek v. Holder*, No. 13-CV-1085, 2014 WL 1096949, at *1 (W.D.N.Y. Mar. 19, 2014) (collecting cases); *Masoud v. Filip*, No. 08-CV-6345, 2009 WL 223006, at *5 (W.D.N.Y. Jan. 27, 2009) (same). This is because the alien has obtained the relief sought—“release from [immigration] custody.” *Emeni v. Holder*, No. 13-CV-6404, 2014 WL 347799, at *3 (W.D.N.Y. Jan. 31, 2014).

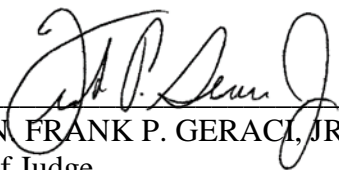
Accordingly, Petitioner’s challenge to her continued detention has become moot in light of her release, and her petition is dismissed. *See id.*

CONCLUSION

For the foregoing reasons, Respondents' motion to dismiss (ECF No. 6) is GRANTED. The petition is DISMISSED, and the Clerk of Court is directed to enter judgment and close this case.

IT IS SO ORDERED.

Dated: July 15, 2019
Rochester, New York



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