

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

Thomas O’Neill,)	
)	ORDER OF DISMISSAL
Petitioner,)	
)	
vs.)	Case No. 4:14-cv-138
)	
Lt. Royce,)	
)	
Respondent.)	

On November 10, 2014, the petitioner, Thomas O’Neill (“O’Neill”), filed a petition for habeas corpus relief. On November 20, 2014, he filed notice of his consent to the undersigned exercise of jurisdiction over this matter.

On December 3, 2014, the court issued an order directing the Clerk’s office to serve respondent with a copy of O’Neill’s habeas petition. A copy of the court’s order sent by the Clerk’s office to O’Neill was returned as undeliverable on January 6, 2015.

On January 8, 2015, the court issued an order giving O’Neill until February 16, 2015, to demonstrate that he was eligible for habeas relief and otherwise show cause why he should be permitted to proceed with this action. O’Neill has yet to respond to the court’s order.

It would appear from O’Neill’s petition that the sentence with which he takes issue (a 90 day sentence at the Williams County Correctional Center for a violation of his conditions of probation) expired on or about December 22, 2014. The fact that a copy of the court’s December 3, 2014, order sent to O’Neill was returned as undeliverable suggests that O’Neill is no longer incarcerated.

In any event, as O’Neill has failed to respond to the court’s order to show cause, his petition (Docket No. 3) is **DENIED** and the above-entitled action is **DISMISSED**.

IT IS SO ORDERED.

Dated this 20th day of February, 2015.

/s/ Charles S. Miller, Jr. _____
Charles S. Miller, Jr., Magistrate Judge
United States District Court