Holland v. Williams

Doc. 17

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

LUCAS HOLLAND,

CASE NO. 4:20-CV-01136

Plaintiff,

**OPINION & ORDER** [Resolving Doc. 16]

٧.

WARDEN MARK K. WILLIAMS,

Defendant.

## JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

*Pro* se Petitioner Lucas Holland brought this emergency habeas corpus petition due to a COVID-19 outbreak at FCI Elkton, where Holland was then incarcerated. The Court denied that petition without prejudice citing Petitioner's failure to properly exhaust his claim.<sup>2</sup> The Court later granted Petitioner's request to reopen the case.<sup>3</sup>

On July 26, 2021 Magistrate Judge Carmen E. Henderson recommended dismissing Holland's petition without prejudice.<sup>4</sup> Because Holland's petition seeks injunctive relief against FCI Elkton and Holland is no longer incarcerated there,<sup>5</sup> Judge Henderson determined that Holland's complaint is moot.<sup>6</sup>

<sup>&</sup>lt;sup>1</sup> Doc. 1.

<sup>&</sup>lt;sup>2</sup> Doc. 8.

<sup>&</sup>lt;sup>3</sup> Doc. 12.

<sup>&</sup>lt;sup>5</sup> Holland is incarcerated at Montgomery FPC in Alabama. See https://www.bop.gov/inmateloc/ Inmate number: 13306-025 (last visited Nov. 11, 2021). At the time Judge Henderson issued her opinion, Holland was incarcerated at FCI Ashland in Kentucky.

<sup>&</sup>lt;sup>6</sup> Doc. 16.

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Because no party has objected to the Report and Recommendation, this Court may adopt the R&R without further review.<sup>7</sup> Moreover, having conducted its own review of the petition and record, the Court agrees with the legal conclusions in the R&R.

Accordingly, the Court DISMISSES Petitioner Holland's petition without prejudice. IT IS SO ORDERED.

Dated: November 18, 2021

s/ James S. Gwin

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE

<sup>&</sup>lt;sup>7</sup> Thomas v. Arn, 474 U.S. 140, 149 (1985); L.R. 72.3(b).