

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

|                              |   |                               |
|------------------------------|---|-------------------------------|
| <b>KEVIN GILMORE,</b>        | : | <b>CIVIL NO. 1:16-CV-1619</b> |
|                              | : |                               |
| <b>Petitioner</b>            | : | <b>(Chief Judge Conner)</b>   |
|                              | : |                               |
| <b>v.</b>                    | : |                               |
|                              | : |                               |
| <b>BRENDA TRITT, et al.,</b> | : |                               |
|                              | : |                               |
| <b>Respondents</b>           | : |                               |

**ORDER**

AND NOW, this 9th day of November, 2018, upon consideration of the petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Doc. 1), wherein petitioner, Kevin Gilmore, alleged that the Pennsylvania Board of Probation and Parole violated his due process rights when the Board denied parole, and sought immediate release on parole (see Doc. 2), and this court, in an effort to ascertain the custodial status of petitioner, accessed the Vinelink online inmate locator, which revealed that petitioner has been released from custody<sup>1</sup>, and has served the maximum term of his sentence as of September 9, 2018 (see Doc. 8-1 at 11), which renders the petition moot, see Spencer v. Kemna, 523 U.S. 1 (1998) (dismissing the habeas petition as moot where petitioner challenged the failure to be released on parole and was subsequently released on parole); DeFoy v. McCullough, 393 F.3d

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<sup>1</sup> Upon entering petitioner’s offender identification number, LS9657, into the Vinelink online inmate locator system, <https://www.vinelink.com/#/search>, his status was returned as follows:

|                 |                |
|-----------------|----------------|
| Offender Name:  | Gilmore, Kevin |
| Custody Status: | Out of Custody |
| Location:       | Paroled        |

439, 441 (3d Cir. 2005) (citing Lane v. Williams, 455 U.S. 624, 631 (1982)) (“[A] petition for habeas corpus relief generally becomes moot when a prisoner is released from custody before the court has addressed the merits of the petition.”); Khodara Env'tl., Inc. ex rel. Eagle Env'tl., L.P. v. Beckman, 237 F.3d 186, 192-93 (3d Cir. 2001) (“Article III of the Constitution grants the federal courts the power to adjudicate only actual, ongoing cases or controversies.”); Blanciak v. Allegheny Ludlum Corp., 77 F.3d 690, 698-99 (3d Cir. 1996) (“If developments occur during the course of adjudication that eliminate a plaintiff’s personal stake in the outcome of a suit or prevent a court from being able to grant the requested relief, the case must be dismissed as moot.”), and, further, because petitioner has not asserted any collateral consequences that are the result of the prior denial of parole, see Spencer, 523 U.S. at 14-18 (petitioner’s purported injuries in fact—that parole revocation could be used against him in future parole proceedings, to increase his sentence in future sentencing proceedings, to impeach him should he appear as a witness or litigant in a future judicial proceeding, or as a defendant in a future criminal proceeding—were insufficient to establish a collateral consequence), it is hereby ORDERED that:

1. The petition for writ of habeas corpus (Doc. 1) is DISMISSED as moot.
2. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania