

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

GURGEN TKHELIDZE, Petitioner	:		
		FILED	CIVIL ACTION NO. 3:17-CV-1213
		SCRANTON	
V.	:		(Judge Nealon)
		OCT - 6 2017	
	:		(Magistrate Judge Mehalchick)
CLAIRE DOLL, ET AL Respondents	:	PER DEPUTY CLERK	

MEMORANDUM

On July 11, 2017, Petitioner filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, in which he challenges his continued detention by Immigration and Customs Enforcement, (“ICE”). (Doc. 1). On August 2, 2017, Respondents filed a response to the petition. (Doc. 4). On August 2, 2017, Petitioner filed a traverse. (Doc. 5). On September 21, 2017, Petitioner filed a suggestion of mootness, informing the Court that the petition is moot because he was removed from by ICE from the United States to Georgia on September 20, 2017. (Doc. 6).¹

On September 21, 2017, Magistrate Judge Karoline Mehachick issued a Report and Recommendation, (“R&R”), recommending that the Court dismiss the

¹This Court takes note that the R&R states that Respondents filed a suggestion of mootness; however, upon review, the suggestion of mootness was filed by Petitioner. See (Doc. 6).

petition as moot because Petitioner is no longer in ICE custody. (Doc. 7, p. 2). Objections were due by October 5, 2017, but have not been filed. For the reasons discussed herein, the Court will adopt Magistrate Judge Mehalchick's R&R, (Doc. 7), in its entirety, and the petition for writ of habeas corpus will be dismissed as moot.

STANDARD OF REVIEW

When neither party objects to a magistrate judge's report and recommendation, the district court is not statutorily required to review the report, under de novo or any other standard. Thomas v. Arn, 474 U.S. 140, 152 (1985); 28 U.S.C. § 636(b)(1)(C). Nevertheless, the Third Circuit Court of Appeals has held that it is better practice to afford some level of review to dispositive legal issues raised by the report. Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987), writ denied 484 U.S. 837 (1987); Garcia v. I.N.S., 733 F. Supp. 1554, 1555 (M.D. Pa. 1990) (Kosik, J.) (stating "the district court need only review the record for plain error or manifest injustice"). In the absence of objections, review may properly be limited to ascertaining whether there is clear error that not only affects the rights of the plaintiff, but also seriously affects the integrity, fairness, or public reputation of judicial proceedings. Cruz v. Chater, 990 F. Supp. 375, 377 (M.D. Pa. 1998) (Vanaskie, J.).

DISCUSSION

In the R&R, Magistrate Judge Mehalchick notes that Petitioner has been removed from ICE custody, and that he does not appear in a search of the ICE inmate locator database, which corroborates Petitioner's own suggestion own mootness. (Doc. 7, p. 1). Ultimately, based on precedential case law from this District, which is adopted herein, the Magistrate Judge concludes that the petition, (Doc. 1), be dismissed as moot because Petitioner has been released from ICE custody. (Id. at p. 2).

CONCLUSION

Based on the foregoing, Magistrate Judge Mehalchick's Report and Recommendation, (Doc. 7), will be adopted in its entirety. As a result, Petitioner's petition for a writ of habeas corpus, (Doc. 1), will be dismissed as moot.

A separate Order will be issued.

Date: October 6, 2017

/s/ William J. Nealon
United States District Judge