

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

ALPHA BAH, : 4:CV-09-1891
Petitioner : (Judge McClure)
v. : (Magistrate Judge Carlson)
ATTORNEY GENERAL, ET AL., :
Respondents :

MEMORANDUM

November 3, 2009

BACKGROUND:

This case involved a habeas corpus petition filed on October 1, 2009 by an immigration detainee. The petitioner, Alpha Bah, is a citizen and national of Guinea who was being held in immigration custody at the York County Prison pending deportation. On October 1, 2009 Bah filed a *pro se* habeas corpus petition in federal court. Alleging that he had been held by immigration officials since March 2009, and citing the Supreme Court's decision in Zadvydas v. Davis, 533 U.S. 678 (2001), Bah sought release from immigration custody pending completion of these removal proceedings.

The case was initially referred to United States Magistrate Judge Martin C.

Carlson.

On October 6, 2009, the respondents filed a Notice of Mootness, advising that Bah was released from ICE custody on October 1, 2009, pursuant to an order of supervision. The respondents therefore argue that, because the issue presented in Bah's habeas petition is moot, the action should be dismissed.

Magistrate Judge Carlson filed a report and recommendation on October 9, 2009, in which he recommended that the petition be dismissed as moot since Bah has already received the relief he sought, namely release from ICE custody pending completion of his removal proceedings. No objections have been filed to the report and recommendation.

As the court agrees with the magistrate judge for the reasons stated in his report and recommendation, the court will approve the report and recommendation and dismiss the petition.

s/ James F. McClure, Jr.
James F. McClure, Jr.
United States District Judge

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

ALPHA BAH, : 4:CV-09-1891
Petitioner : (Judge McClure)
v. : (Magistrate Judge Carlson)
ATTORNEY GENERAL, ET AL., :
Respondents :

ORDER

November 3, 2009

For the reasons set forth in the accompanying Memorandum,

IT IS ORDERED THAT:

1. The report and recommendation of United States Magistrate Judge Martin C. Carlson (Rec. Doc. No. 8, filed October 9, 2009) is approved and adopted by the court for the reasons therein set forth.
2. The petition for writ of habeas corpus is dismissed as moot.
3. The clerk is directed to close the case file.

s/ James F. McClure, Jr.
James F. McClure, Jr.
United States District Judge