

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

JEFFERY ALAN COFFER,)	
)	Civil Action No. 14 – 749
Petitioner,)	
)	
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
MARK V. CAPOZI, <i>et al.</i> ,)	
)	
Respondents.)	
)	
)	

MEMORANDUM OPINION

Before the Court is a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 filed by Petitioner, Timothy P. Storms (“Petitioner”). (ECF No. 4.) Petitioner claims that he was denied parole in violation of his due process and equal protection rights. However, for the reasons set forth below, Petitioner’s application for federal habeas corpus relief will be dismissed as moot as he was released on parole on December 11, 2014.

By way of background, on March 10, 2011, Petitioner was sentenced to concurrent terms of 2 to 4 years incarceration in Fayette County Case Nos. CP-26-CR-229-2010 and CP-26-CR-318-2010. (Resp’t Ex. 1; ECF No. 11-1 at pp.4-14.) On July 5, 2011, Petitioner was committed to a state correctional institution to serve the sentences in those cases. (Resp’t Ex. 2; ECF No. 11-1 at pp.16-17.) On July 19, 2011, the minimum and maximum sentences were established as March 10, 2013 and March 10, 2015, respectively. (Resp’t Ex. 3; ECF No. 11-1 at pp.19-21.)

Petitioner was refused parole on December 5, 2012; June 7, 2013; and May 5, 2014. (Resp't Exs. 4, 5, 6; ECF Nos. 11-1 at pp.23-24, 26-27, 29-30.)

At this time, this Court takes judicial notice that Petitioner was released on parole on December 11, 2014, and because Petitioner has been released from custody, his Petition is now moot.

Generally, a petition for habeas corpus relief becomes moot when a prisoner is released from custody before the court has addressed the merits of the petition. [Lane v. Williams, 455 U.S. 624 \(1982\)](#). The general principle derives from the case or controversy requirement of [Article III of the U.S. Constitution](#). “This case-or-controversy requirement subsists through all stages of federal judicial proceedings, trial and appellate ... the parties must continue to have a personal stake in the outcome of the lawsuit.” [Lewis v. Continental Bank Corp., 494 U.S. 472, 477-78 \(1990\)](#). In other words, “throughout the litigation, the plaintiff must have suffered, or be threatened with, an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision.” [Id. at 477](#). *See also* [Spencer v. Kemna, 523 U.S. 1 \(1998\)](#); [Maleng v. Cook, 490 U.S. 488, 491-492 \(1989\)](#) (habeas petitioner does not remain “in custody” under conviction after the sentence imposed has fully expired merely because of possibility that prior conviction will be used to enhance sentences imposed for any subsequent crimes of which he is convicted); [United States v. Romera-Vilca, 850 F.2d 177, 179 \(3d Cir.1988\)](#) (prisoner’s motion to vacate his conviction was not mooted when he was released from custody, where he faced potential deportation as a collateral consequence of conviction).

Through the mere passage of time, Petitioner has obtained the requested relief, to be paroled. In these circumstances, there is no case or controversy for this Court to consider and

there is no further relief for the Court to grant. Consequently, the Petition will be dismissed as moot. A separate Order will issue.

Dated: May 4, 2016.

A handwritten signature in black ink, appearing to read 'Lisa Pupo Lenihan', written over a horizontal line.

Lisa Pupo Lenihan
United States Magistrate Judge

cc: Jeffery Alan Coffey
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Coalport, PA 16627

Counsel of record
Via ECF electronic mail

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ORDER

AND NOW, this 4th day of May, 2016, and in accordance with the Court’s Memorandum Opinion,

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus (ECF No. 4) is dismissed as moot.

IT IS FURTHER ORDERED that a Certificate of Appealability is denied.

IT IS FURTHER ORDERED that the Clerk of Court mark this case closed.

AND IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if Petitioner wishes to appeal from this Order a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.



Lisa Pupo Lenihan
United States Magistrate Judge