

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TEXARKANA DIVISION

JERRY ELKINS §
VS. § CIVIL ACTION NO. 5:16-CV-198
BOWIE COUNTY DISTRICT ATTORNEY §

MEMORANDUM OPINION

Petitioner Jerry Elkins, a prisoner currently confined at the United States Penitentiary in Beaumont, Texas, proceeding *pro se*, brings this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

On October 23, 2017, pursuant to the written consent of all parties, this case was referred to the undersigned United States Magistrate Judge for all further proceedings and entry of judgment.

Discussion

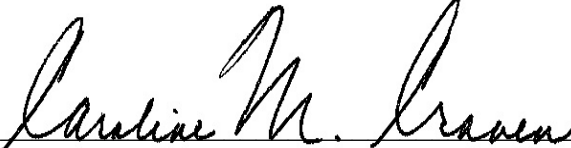
The petitioner is currently serving a 210-month federal sentence imposed by the United States District Court for the Eastern District of Missouri on December 7, 2012. Shortly after he was taken into federal custody, the petitioner contends he was notified of a pending criminal charge in Cause Number 07F0201-005 in Bowie County, Texas. The petitioner contends that Bowie County lodged a detainer against him, so that he will be placed in state custody when he finishes serving the federal sentence. The petitioner contends that he requested final disposition of the Bowie County charge in accordance with the Interstate Agreement on Detainers Act (IADA), but his request was ignored. The petitioner filed this petition for writ of habeas corpus seeking dismissal of the Bowie County charge due the State's failure to comply with the requirements of the IADA.

The respondent filed an answer in which he asserts that Cause Number 07F0201-005 was dismissed on the State's motion on October 18, 2017. The respondent contends this habeas petition is moot and should be dismissed. The petitioner has had an opportunity to respond, but he has not filed a reply to the answer or objected to dismissal of this petition.

Conclusion

Because the Bowie County charge was dismissed, this petition is now moot. *See Bailey v. Southerland*, 821 F.2d 277, 278 (5th Cir. 1987). Accordingly, this petition should be dismissed. A final judgment will be entered in accordance with this Memorandum Opinion.

SIGNED this 24th day of April, 2018.


CAROLINE M. CRAVEN
UNITED STATES MAGISTRATE JUDGE