

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

SANDRA LEE CALKINS,	§	
Petitioner,	§	
	§	
VS.	§	Civil Action No. 4:14-CV-385-O
	§	
JODY R. UPTON, WARDEN,	§	
FMC-CARSWELL,	§	
Respondent.	§	

OPINION AND ORDER

Before the Court is a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 filed by Petitioner, Sandra Lee Calkins, a federal prisoner who was confined in the Federal Medical Center in Fort Worth, Texas, (FMC-Carswell) when this petition was filed, against Jody R. Upton, Warden of FMC-Carswell, Respondent. After considering the pleadings and relief sought by Petitioner, the Court has concluded that the petition should be dismissed as moot.

I. BACKGROUND

By this action, Petitioner claims she was sent to FMC-Carswell two years ago from FCI-Waseca in Minnesota, a low security federal correctional institution only two and a half hours from her home, for medical evaluation and treatment for blood clots in her left leg. Pet. 5, ECF No. 1. In three grounds, Petitioner complains that the BOP has improperly classified her as a “Care Level 3,” and that, in violation of her constitutional rights and BOP policy, she is being housed more than 500 miles from her home and in the same room with two violent offenders. *Id.* at 5-6. Petitioner seeks return to FCI-Waseca or release to home confinement. *Id.* at 7. The BOP’s website confirms that Petitioner is no longer confined in FMC-Carswell and has been transferred back to FCI-Waseca to continue serving her federal sentence. *See* Dept. of Justice, Federal Bureau of Prisons, Inmate

Locator, available at <http://www.bop.gov/inmateloc>.

II. DISCUSSION

Petitioner's transfer back to FCI-Waseca has rendered her habeas petition moot. *Phelps v. U.S. Fed. Gov't*, 15 F.2d 735, 738 (8th Cir. 1994). The circumstances of which she complains no longer exist.

III. CONCLUSION

For the reasons discussed herein, the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 is DISMISSED as moot. Further, pursuant to 28 U.S.C. § 2253(c), for the reasons discussed herein, a certificate of appealability is DENIED. The clerk of Court shall take notice that Petitioner is currently confined in FCI-Waseca and shall send copies of this Opinion and Order and the Final Judgment of the same date to Sandra Lee Calkins, Reg. No. 15853-041, FCI Waseca, Federal Correctional Institution, P.O. Box 1731, Waseca, MN 56093.¹

SO ORDERED on this 2nd day of September, 2015.


Reed O'Connor
UNITED STATES DISTRICT JUDGE

¹Petitioner did not notify the Court of her transfer back to FCI-Waseca or her change of address.