

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ANTHONY ANTONIO JENKINS,

Petitioner,

v.

Civil Action No. **3:18CV268**

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION

Petitioner, a former federal inmate proceeding *pro se*, filed a petition under 28 U.S.C. § 2241. In his 28 U.S.C. § 2241 Petition, Petitioner asserts that his sentence as a career offender is illegal because he lacks valid predicate felony offenses to enhance his sentence. (ECF No. 1, at 6–7 (as paginated by CM/ECF).) Since the filing of his § 2241 Petition, Petitioner has been released from custody and is, therefore, no longer serving the sentence that Petitioner attacks in his § 2241 Petition. Accordingly, by Memorandum Order entered on December 13, 2019, the Court directed Petitioner, within eleven (11) days of the date of entry hereof, to show cause why the present action should not be dismissed as moot. *See Spencer v. Kemna*, 523 U.S. 1, 10 (1998); *Wallace v. Jarvis*, 423 F. App'x 328, 328 (4th Cir. 2011) (citations omitted). The Court explained that a failure to file a proper response would result in the dismissal of the action. *See Fed. R. Civ. P.* 41(b). The Court also indicated that Petitioner appeared to no longer be interested in litigating his § 2241 Petition since he had not contacted the Court since his release.

More than eleven (11) days have elapsed since the entry of the December 13, 2019 Memorandum Order, and Petitioner has not responded. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall accompany this Memorandum Opinion.

Date: January 21, 2020
Richmond, Virginia

/s/ Rely

Roderick C. Young
United States Magistrate Judge