

HENDERSON V. ORMOND Doc. 10

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

GERALD HENDERSON,

Petitioner,

v.

Civil Action No. **3:19CV174**

RAY ORMOND,

Respondent.

MEMORANDUM OPINION

Petitioner, a former federal inmate proceeding pro se, filed a petition under 28 U.S.C. § 2241. Petitioner asserts that he failed to receive proper credit against his sentence for time spent in custody. Since the filing of his § 2241 Petition, Petitioner has been released from custody.¹ Accordingly, by Memorandum Order entered on July 31, 2019, the Court directed Petitioner, within eleven (11) days of the date of entry thereof, 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 the failure to file a proper response would result in the dismissal of the action. *See Fed. R. Civ. P. 41(b)*.

On August 7, 2019, the United States Postal Service returned the July 31, 2019 Memorandum Order to the Court marked, "RETURN TO SENDER." The following day, the Clerk mailed a second copy of the July 31, 2019 Memorandum Order to Petitioner at an updated address that Petitioner provided in May 2019. More than eleven (11) days have elapsed since the

¹ The Bureau of Prisons inmate locator indicates that Petitioner was released from custody on July 19, 2019. *See* <https://www.bop.gov/inmateloc/> and type in Petitioner's name.

Clerk mailed a second copy of the July 31, 2019 Memorandum Order to Petitioner. Petitioner has not responded. Accordingly, the action will be dismissed without prejudice as moot.

An appropriate Order shall accompany this Memorandum Opinion.

/s/

M. Hannah Lauck

United States District Judge

M. Hannah Lauck

United States District Judge

Date: August 21, 2019
Richmond, Virginia