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CASE NO. 7:12CV00535

MEMORANDUM OPINION

By: James C. Turk
Senior United States District Judge

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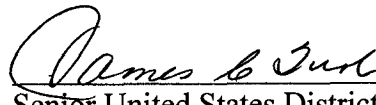
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In late November 2012, Gallimore notified the clerk's office that he had been released from jail and would soon provide the court with his address. The respondent has now filed a

motion to dismiss Gallimore's petition and verifies that on November 20, 2012, Gallimore was, in fact, released from jail to serve probation. Because Gallimore's only claim was miscalculation of his term of confinement and his prayer for habeas relief was immediate release, his § 2254 petition must be dismissed as moot now that he has been released.¹ See Lane v. Williams, 455 U.S. 624, 631 (1982).

For the reasons stated, the court dismisses Gallimore's cause of action without prejudice. An appropriate order will enter this day. The Clerk is directed to send copies of this memorandum opinion and accompanying order to petitioner.

ENTER: This 28th day of December, 2012.



Senior United States District Judge

¹ Under Rule 4(b) of the Rules Governing § 2254 Cases, the court may summarily dismiss a § 2254 petition "[i]f it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court."