

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ADRIAN ABRAJAN CHAGALA,

Petitioner,

-vs-

Case No. 15-C-531

DAVID G. BETH,
Warden of the Kenosha County Detention Center,

Respondent.

DECISION AND ORDER

The Respondent, David G. Beth (“Beth”), appeared in this action filed by Petitioner Adrian Abrajan Chagala (“Abrajan Chagala”) pursuant to 28 U.S.C. § 2241, relying on *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). Beth seeks dismissal of the action for failure to state a claim upon which relief can be granted, contending that Abrajan Chagala was being mandatorily detained under 8 U.S.C. § 1226(c) and does not challenge his custody under that statutory provision. Beth also asserts that the petition was filed prematurely because at the time Abrajan Chagala filed his § 2241 application, his removal order had not yet become final.

In a September 16, 2015, status report, court-appointed counsel for Abrajan Chagala notified the Court that the day he was appointed as counsel he learned that Abrajan Chagala had been transferred to a

detention facility in New Mexico and was hours from being returned to Mexico. Therefore, he has never spoken to Abrajan Chagala. However, based upon counsel's review of the Immigration Docket, Abrajan Chagala was not under a final order of deportation so *Zadvydas* did not apply and would not apply until January 2016 at the earliest. He further indicates that, because the government effectuated Abrajan Chagala's voluntary departure or removed him from the country, the issue is now moot. Based on the foregoing, this action is dismissed as moot.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS
HEREBY ORDERED THAT:**

This action is **DISMISSED**; and

The Clerk of Court is **DIRECTED TO ENTER JUDGMENT**
accordingly.

Dated at Milwaukee, Wisconsin, this 22nd day of September, 2015.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge