

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

EDDIE GENE EVANS,

Petitioner,

v.

ORDER

13-cv-730-wmc

MICHAEL DITTMAN, Warden,
Columbia Correctional Institution,

Respondent.¹

Petitioner Eddie Gene Evans seeks a writ of habeas corpus under 28 U.S.C. § 2254 to challenge the revocation of his release from prison on extended community supervision. At the time he filed his petition, Evans was incarcerated by the Wisconsin Department of Corrections at the Columbia Correctional Institution. Evans notified the court recently that he is no longer in state custody and it appears that he has been released on community supervision. A prisoner's petition for writ of habeas corpus requesting release from custody is moot when that prisoner already has been released from custody unless there are sufficient "collateral effects" or "legal consequences." *Lane v. Williams*, 455 U.S. 624, 632-33 (1982); *Carafas v. LaVallee*, 391 U.S. 234, 238 (1968). Accordingly, Evans is directed to show cause in writing within twenty days why his petition should not be dismissed as moot. *See Spencer v. Kemna*, 523 U.S. 1, 7 (1998).

¹ Michael Dittman, who has replaced Michael Meisner as warden of the Columbia Correctional Institution, is substituted as the proper respondent pursuant to Rule 2(a) of the Rules Governing

ORDER

IT IS ORDERED THAT:

1. Petitioner Eddie Gene Evans is directed to show cause in writing within twenty days of the date of this order why this case should not be dismissed as moot. After Evans has filed his response, the respondent may file a reply within ten days.
2. If Evans fails to respond as directed, this case will be dismissed with prejudice without further notice pursuant to Fed. R. Civ. P. 41(b).

Entered this 22nd day of August, 2014.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge