

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ALBERT C. McCOY,

Petitioner,

v.

CASE NO. 04-3236-RDR

UNITED STATES PAROLE COMMISSION,

Respondent.

O R D E R

This matter is before the court on a petition for habeas corpus filed pursuant to 28 U.S.C. § 2241. Petitioner challenges decisions by the United States Parole Commission.

Article III of the Constitution limits federal jurisdiction to cases in which the plaintiff can show that "(1) he or she has suffered an injury in fact; (2) there is a causal connection between the injury and the conduct complained of; and (3) it is likely that the injury will be redressed by a favorable decision." Phelps v. Hamilton, 122 F.3d 1309, 1326 (10th Cir. 1997) (citing Lujan v. Defenders of Wildlife, 504 U.S. 555, 560 (1992)).

Because a review of the records maintained by the federal Bureau of Prisons shows the petitioner has been released from custody, the court is considering dismissing this matter as moot.¹

¹A copy of the relevant entry is attached.

See Johnson v. Riveland, 855 F.2d 1477, 1481 (10th Cir. 1988)(once petitioner granted parole, question of entitlement to credit against minimum term was moot, citing cases).

IT IS THEREFORE ORDERED petitioner is granted to and including February 10, 2006, to show cause why this matter should not be dismissed as moot due to petitioner's release from custody.

Copies of this order shall be transmitted to the parties.

IT IS SO ORDERED.

DATED: This 23rd day of January, 2006, at Topeka, Kansas.

S/ Richard D. Rogers
RICHARD D. ROGERS
United States District Judge