

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

GARY LEE HOLT,

Petitioner,

v.

CASE NO. 05-3439-RDR

DUKE TERRELL,

Respondent.

O R D E R

Petitioner proceeds pro se<sup>1</sup> on a petition for a writ of habeas corpus under 28 U.S.C. § 2241 filed in the United States District Court for the Eastern District of Missouri and transferred to this court.

Petitioner filed this action to challenge the legality of Bureau of Prisons (BOP) regulations concerning the placement of inmates in halfway house Community Corrections Centers (CCC). Petitioner sought BOP's immediate consideration of whether he should be transferred to home confinement or to a CCC in light of the statutory factors in 18 U.S.C. §§ 3621(b) and 3624(c), without reference to BOP's December 2002 and February 2005 policies.

The record includes respondent's answer and return to which petitioner filed no traverse. Also before the court is respondent's motion to dismiss the petition as moot, based on petitioner's release from confinement on May 8, 2006, upon expiration of petitioner's sentence. Petitioner filed no response to this motion.

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<sup>1</sup>Petitioner is a prisoner incarcerated in the Federal Prison Camp in Leavenworth, Kansas, and was represented by counsel when the petition was filed. Said counsel was not admitted to practice before this court, and did not seek and obtain a court order admitting counsel to appear pro hac vice in this case. See D.Kan.Rule 83.5.4. (pro hac vice requirements).

Petitioner identifies no continuing collateral consequences from the challenged BOP regulations following his release from confinement, and none are apparent to the court. Nor does the court find reason to believe the issue raised in this case will be repeated relative to plaintiff. The court thus finds petitioner's application for relief under 28 U.S.C. § 2241 should be dismissed as moot. Spencer v. Kemna, 523 U.S. 1 (1998).

IT IS THEREFORE ORDERED that respondent's uncontested motion to dismiss the petition as moot is granted.

DATED: This 15th day of September 2006, at Topeka, Kansas.

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