

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JOSEPH A. HARTMAN,

Petitioner,

v.

CASE NO. 06-3116-RDR

JUDGE STRICKLAND, et al.,

Respondents.

O R D E R

Petitioner proceeds pro se and in forma pauperis on an amended petition for writ of habeas corpus under 28 U.S.C. § 2241 filed while he was incarcerated in the United States Penitentiary in Leavenworth, Kansas (USPLVN), seeking relief from an alleged illegal detainer lodged against him for outstanding criminal charges in Orange County, Florida, in Case No. CR-98-10244.

Before the court is respondent USPLVN Warden Terrell's¹ answer and return which states in part that petitioner has been released from federal custody pursuant to the outstanding Florida detainer, and that the underlying state criminal charges have been dismissed.

¹By an order dated May 20, 2006, the court advised petitioner that Florida District Court Judge Strickland was not an appropriate respondent, and directed petitioner to amend the petition to name a proper respondent. In response, petitioner filed an amended petition that named Warden Terrell and the Attorney General for the State of Florida as the sole respondents. By an order dated July 12, 2006, the court dismissed the Florida Attorney General as a party in this action. The court now clarifies that Judge Strickland is dismissed pursuant to petitioner's voluntary amendment of the petition on May 17, 2006, to no longer name this party as a respondent.

Respondent Terrell contends the petition should be dismissed as moot, and petitioner filed no response to dispute this contention.

Having reviewed the record, the court finds no actionable controversy remains that can be addressed by petitioner's application for habeas corpus relief, and concludes this action should be dismissed.

IT IS THEREFORE ORDERED that Judge Strickland is dismissed pursuant to petitioner's voluntary amendment of the petition on May 17, 2006.

IT IS FURTHER ORDERED that the petition for writ of habeas corpus is dismissed as moot.

DATED: This 19th day of October 2006, at Topeka, Kansas.

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