

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

ROBERT JOHN MICHAEL BABER,

Petitioner,

v.

CASE NO. 07-3071-RDR

WARDEN JOE GUNJA,

Respondent.

O R D E R

Petitioner proceeds pro se and in forma pauperis on a petition for a writ of habeas corpus under 28 U.S.C. § 2241, transferred to this court from the United States District Court for the Western District of Missouri because petitioner was incarcerated in the United States Penitentiary in Leavenworth, Kansas, at that time. Before the court is respondent's Answer and Return in which respondent argues for dismissal of the petition as moot.

Petitioner filed this action seeking relief on allegations that a 2002 prison disciplinary action against him while he was incarcerated in a federal correctional facility in Minnesota was improper and violated his constitutional rights. Respondent now documents that the Disciplinary Hearing Administrator for the North Central Regional Office re-reviewed petitioner's disciplinary record and ordered expungement of the challenged incident report and restoration of the 40 days of Good Conduct Time that had been forfeited as part of the disciplinary sanction in that disciplinary proceeding.

Respondent states that petitioner has received all relief

sought in this habeas action, and argues the petition should be dismissed because all issues raised in the petition are now moot. The court agrees. See Spencer v. Kemna, 523 U.S. 1, 7 (1998)(case becomes moot when "it no longer present[s] a case or controversy under Article III, § 2, of the Constitution"). Petitioner filed no traverse to respondent's Answer and Return, and the court finds nothing in the record to suggest that any exception to the mootness doctrine might apply in this case. See Riley v. I.N.S., 310 F.3d 1253 (10th Cir. 2002)(stating recognized exceptions to mootness doctrine).

IT IS THEREFORE ORDERED that the petition is dismissed as moot.

**IT IS SO ORDERED.**

DATED: This 11th day of July 2008, at Topeka, Kansas.

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