

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

HERMAN BROWN,

Petitioner,

v.

CASE NO. 08-3179-RDR

UNITED STATES OF AMERICA,

Respondent.

HERMAN BROWN,

Petitioner,

v.

CASE NO. 08-3216-RDR

COMMANDANT, UNITED STATES
DISCIPLINARY BARRACKS,

Respondent.

O R D E R

Petitioner proceeds pro se in this habeas corpus action under 28 U.S.C. § 2241, alleging constitutional error in his military court martial. Before the court are petitioner's motions for this court to continue its jurisdiction over this pending § 2241 action upon petitioner's release from confinement.

Petitioner's motions are granted. Because federal jurisdiction attached while petitioner was in custody, that jurisdiction is not undone by petitioner's subsequent release. See Carafas v. LaVallee, 391 U.S. 234, 238-40 (1968); Spencer v. Kemna, 523 U.S. 1, 7 (1998). Nor is petitioner's action rendered moot by his release, as it is recognized that he will continue to suffer collateral consequences as the result of his military court-martial conviction. See Spencer, 523 U.S. at 8.

Petitioner's alternative request, for transfer of this matter

to the Central District of California as the district in which petitioner will reside after his release, is denied.

IT IS THEREFORE ORDERED that petitioner's motions (Docs. 12 and 13) are granted in that this court retains jurisdiction to decide this matter after petitioner's release from confinement, and that petitioner's release from confinement does not render this matter moot.

DATED: This 24th day of February 2010, at Topeka, Kansas.

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