

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

CHRISTOPHER R. ROWLAND,

Petitioner,

vs.

CIVIL ACTION
No. 09-3255-RDR

CLAUDE CHESTER,

Respondent.

MEMORANDUM AND ORDER

This matter comes before the court on respondent's uncontested motion to dismiss this matter on the ground of mootness (Doc. 10).

Petitioner commenced this action pursuant to 28 U.S.C. §2241, alleging that Louisiana state authorities were in violation of the Interstate Agreement on Detainers Act and that a Louisiana detainer prevented him from receiving a sentence reduction and placement in a halfway house. He appeared to seek resolution of the detainer to allow him to receive an early release based upon his participation in a drug abuse treatment program.

Respondent contends that because petitioner has been released from his federal confinement, he has obtained the relief he sought and that this court could not order any

additional relief. Petitioner did not respond to the motion to dismiss.

"A habeas corpus petition is moot when it no longer presents a case or controversy under Article III, § 2, of the Constitution." *Aragon v. Shanks*, 144 F.3d 690, 691 (10th Cir. 1998). This requirement means that the petitioner "must have suffered or be threatened with an actual injury traceable to the respondents and likely to be redressed by a favorable judicial decision." *Spencer v. Kemna*, 523 U.S. 1, 7 (1998)(citation omitted).

Here, petitioner has been unconditionally released from federal confinement, and there is no suggestion that he remains in the District of Kansas. The record does not suggest that any collateral consequences remain that could be addressed by this court, and the court concludes the uncontested motion to dismiss should be granted.

IT IS, THEREFORE, BY THE COURT ORDERED respondent's motion to dismiss as moot (Doc. 10) is granted.

IT IS FURTHER ORDERED respondent's motion to dismiss (Doc. 9) is dismissed as moot.

Copies of this Memorandum and Order shall be transmitted to the parties.

IT IS SO ORDERED.

Dated at Topeka, Kansas, this 22nd day of February, 2011.

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