

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ARTURO ALDERETE-MONSIVAIS,

Petitioner,

v.

CASE NO. 11-3032-RDR

CLAUDE CHESTER,

Respondent.

O R D E R

Petitioner proceeds pro se on a petition for habeas corpus relief under 28 U.S.C. § 2241, filed while petitioner was incarcerated in the United States Penitentiary in Leavenworth, Kansas. Petitioner seeks restoration of Good Conduct Time credits he claims were improperly withheld due to his failure to complete an education program while incarcerated.

Respondent filed a response to the petition on January 19, 2012, seeking dismissal of the petition because petitioner's claims were rendered moot by his release from the physical custody of the Bureau of Prisons on January 13, 2012, in accord with petitioner's statutory release date on his aggregated federal sentence. Pursuant to a deportation detainer, petitioner was transferred at that time to the custody of the United States Immigration and Customs Enforcement.

Respondent notified the court on February 1, 2012, that the

copy of his response sent to petitioner was returned as undelivered mail with notation that petitioner was no longer confined at the facility. Court records also reflect that petitioner has not notified the court of any change in his address. See D.Kan. Rule 5.1, which requires "[e]ach...party appearing pro se is under a continuing duty to notify the clerk in writing of any change of address or telephone number. Any notice mailed to the last address of record of an attorney or a party appearing pro se shall be sufficient notice."

Finding no injury capable of being redressed by this court remains where petitioner is no longer serving a federal sentence, the court concludes the instant petition should be dismissed.

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

IT IS SO ORDERED.

DATED: This 8th day of February 2012, at Topeka, Kansas.

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