

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JEROME ALEXANDER WRIGHT,

Petitioner,

v.

CASE NO. 11-3224-RDR

LISA J.W. HOLLINGSWORTH,

Respondent.

MEMORANDUM AND ORDER

This matter is a petition for habeas corpus filed pursuant to 28 U.S.C. § 2241. It comes before the court upon the uncontested motion to dismiss filed by respondent (Doc. 8).

Respondent seeks the dismissal of this matter on the ground that it is moot due to petitioner's release in January 2013 upon the expiration of his sentence.

Article III of the United States Constitution limits the power of the federal courts to actual cases or controversies. *Lewis v. Continental Bank Corp.*, 494 U.S. 472, 477 (1990) An action becomes moot when an "actual injury that can be redressed by a favorable judicial decision" no longer is presented. *Iron Arrow Honor Soc'y v. Heckler*, 464 U.S. 67, 70 (1983).

Petitioner's release from confinement renders this matter moot. His claim in this matter concerned the allocation of credit for time served between his state and federal sentences, and he sought release from confinement. There is no live controversy, and this matter must be dismissed. See *Rhodes v. Judiscak*, 676 F.3d 931, 935 (10th Cir. 2012) (dismissing appeal from denial of an action under § 2241

challenging petitioner's sentence calculation due to petitioner's release from custody).

IT IS, THEREFORE, BY THE COURT ORDERED respondent's motion to dismiss as moot (Doc. 8) is granted.

Copies of this order shall be transmitted to the parties.

IT IS SO ORDERED.

DATED: This 28th day of March, 2013, at Topeka, Kansas.

S/ Richard D. Rogers
RICHARD D. ROGERS
U.S. Senior District Judge