

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

TODD CARLTON SMITH,

Petitioner,

v.

UNITED STATES MARSHALS, MIAMI,

Respondent.

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CIVIL ACTION

No. 15-3079-KHV

MEMORANDUM AND ORDER

This matter is a petition for habeas corpus filed under 28 U.S.C. § 2241. Petitioner, a prisoner serving Florida state sentences as a contract boarder in Kansas, filed this action alleging that he had completed his consecutive federal sentence and challenging the detainer concerning that sentence.

On November 2, 2016, the Court directed respondent to file a supplemental pleading to explain whether petitioner is now in federal custody, and if so, whether the Bureau of Prisons has calculated his federal sentence. Respondent submitted the supplement on November 9, 2016 (Doc. #16). That pleading explains that following the calculation of his sentence, the federal Bureau of Prisons released petitioner on November 7, 2016 (Doc. #16, Attach. 1, Ex. B).

Respondent seeks the dismissal of this matter on the ground of mootness. “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). The Court agrees that this matter is moot due to the expiration of petitioner’s federal sentence and his release from custody.

IT IS THEREFORE ORDERED that the Petition for Writ of Habeas Corpus (Doc. #1) filed February 17, 2015 is DISMISSED as MOOT.

Dated this 5th day of December, 2016 at Kansas City, Kansas.

s/ Kathryn H. Vratil
KATHRYN H. VRATIL
United States District Judge