

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ERIC TOWET,

Petitioner,

v.

CASE NO. 16-3171-SAC

IMMIGRATION AND CUSTOMS
ENFORCEMENT (DEPARTMENT OF
HOMELAND SECURITY),

Respondent.

MEMORANDUM AND ORDER

This matter is a petition for habeas corpus filed under 28 U.S.C. § 2241. Petitioner commenced this action while held at the Butler County Jail in El Dorado, Kansas, under an order of removal entered by the immigration court in Kansas City, Missouri.

During the pendency of this action, petitioner filed a second petition for relief, Case No. 17-3033-JWL, *Towet v. ICE*. The Court takes judicial notice that petitioner was granted release under supervision in that matter.

A federal court "may only decide actual ongoing cases or controversies." *Prier v. Steed*, 456 F.3d 1209, 1212 (10th Cir. 2006) (citation omitted). The case or controversy requirement means that throughout the pendency of a case, the petitioner "must have suffered, or be threatened with, an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision." *Spencer v. Kemna*, 523 U.S. 1, 7 (1998). Where an event occurs while a matter is pending that makes it impossible for a court to grant any relief, the matter becomes moot. *Prier, id.* at 1213.

Here, the petitioner's release on supervision renders the present petition moot. The petitioner has obtained the relief he sought, and no additional relief is available.

IT IS, THEREFORE, BY THE COURT ORDERED this matter is dismissed as moot.

IT IS FURTHER ORDERED petitioner's motion for release on supervision (Doc. #13) is denied as moot.

IT IS SO ORDERED.

DATED: This 18th day of July, 2017, at Topeka, Kansas.

S/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge