IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

EMMANUEL DANI,

            Petitioner,

      v.   **CASE NO. 17-3127-JWL**

JEFF SESSIONS,

            Respondent.

MEMORANDUM AND ORDER

This matter is a petition for habeas corpus filed under 28 U.S.C. § 2241. Petitioner commenced this action seeking release from detention pending his removal to South Sudan by the Department of Homeland Security and U.S. Immigration and Customs Enforcement.

On October 5, 2017, respondent filed a motion to dismiss as moot, citing petitioner's removal from the United States on September 27, 2017. The respondent later notified the Court that the copy of the motion mailed to petitioner was returned as undeliverable, and there has been no response to the motion.

Analysis

"Article III of the United States Constitution limits the jurisdiction of federal courts to the adjudication of 'Cases' or 'Controversies.'" *Jordan v. Sosa*, 654 F.3d 1012, 1019 (10th Cir. 2011), *quoting* U.S. Const. art III, § 2, c. 1. A habeas corpus action is moot when it no longer presents a case or controversy. *Spencer v. Kemna*, 523 U.S. 1, 7 (1998). To meet the case or controversy requirement, a petitioner must show that he has suffered, or is threatened with, an actual injury that is traceable to the respondent and could be redressed by a judicial decision in his favor. *Lewis v.*

Continental Bank Corp., 494 U.S. 472, 478 (1990).

Petitioner's removal from the United States in September 2017 ended his detention, and any order now directed to that detention would provide no remedy. Accordingly, this action must be dismissed as moot. *See Ferry v. Gonzalez*, 457 F.3d 1117, 1132 (10th Cir. 2001)(finding habeas petition was moot where removal order had been executed and petitioner was no longer in custody).

IT IS, THEREFORE, BY THE COURT ORDEED respondent's motion to dismiss (Doc. #7) is granted, and this matter is dismissed as moot.

IT IS SO ORDERED.

DATED: This 27th day of October, 2017, at Kansas City, Kansas.

s/ John W. Lungstrum
JOHN W. LUNGSTRUM
U.S. District Judge