

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

**JEFFREY DEAN WESTBERG,**

**Petitioner,**

**v.**

**CASE NO. 22-3060-JWL**

**D. HUDSON, Warden,  
USP-Leavenworth,**

**Respondent.**

**MEMORANDUM AND ORDER**

This matter is a petition for habeas corpus filed under 28 U.S.C. § 2241. At the time of filing, Petitioner was confined at USP-Leavenworth in Leavenworth, Kansas. Petitioner challenges the Bureau of Prisons' ("BOP") calculation of his federal sentence and refusal to release him to a halfway house or home confinement to enable him to participate in the final component of the Residential Drug Abuse Program ("RDAP"). The Court dismisses the Petition as moot.

The Court examined the record and ordered a responsive pleading. On April 22, 2022, Respondent filed the Answer and Return (Doc. 3) stating that Petitioner was placed in a Residential Reentry Center ("RRC") on April 14, 2022, for service of his federal sentence. (Doc. 3, at 2, 5) (citing Doc. 3-1, Declaration of Jason Wells, ¶ 12, and Ex. E, BOP Form A0628).<sup>1</sup>

On May 6, 2022, the Court entered an Order to Show Cause (Doc. 5), directing Petitioner to show good cause by May 27, 2022, why this matter should not be dismissed as moot. The

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<sup>1</sup> The BOP's website shows that Petitioner is now located at the Minneapolis RRM. See <https://www.bop.gov/inmateloc/> (last visited, June 9, 2022); see also Doc. 4, Notice of Returned Mail (showing that Petitioner is currently housed at the Minneapolis RRM). The Court notes that the BOP website lists Petitioner's first name as "Jeffery."

Court noted that Petitioner seeks an order directing “the BOP to immediately release [Petitioner] to the half-way house or home confinement so [he] may participate in the final component of RDAP (called TDAP).” (Doc. 1, at 7.) Petitioner’s Request for Relief seeks immediate placement in an RRC or home confinement to allow him to participate in the final component of RDAP. Petitioner has now been placed in an RRC to complete the final portion of RDAP. Therefore, the Court directed Petitioner to show good cause why his Petition should not be dismissed as moot. Petitioner has failed to respond by the Court’s deadline.<sup>2</sup>

**IT IS THEREFORE ORDERED** that the Petition is **dismissed as moot**.

**IT IS SO ORDERED.**

**Dated June 9, 2022, in Kansas City, Kansas.**

**S/ John W. Lungstrum**  
**JOHN W. LUNGSTRUM**  
**UNITED STATES DISTRICT JUDGE**

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<sup>2</sup> The Court notes that Petitioner also failed to file a traverse by the June 6, 2022 deadline.