

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

PATRICK A. RILEY,

Petitioner,

v.

//

CIVIL ACTION NO. 1:08CV127
(Judge Keeley)

WARDEN DeBOO, et al.,

Respondents.

ORDER ADOPTING REPORT AND RECOMMENDATION

On June 25, 2008, pro se petitioner Patrick A. Riley filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 and, on July 29, 2008, he filed an application for leave to proceed in forma pauperis. The Court referred this matter to United States Magistrate Judge James E. Seibert for initial screening and a report and recommendation in accordance with Local Rule of Prisoner Litigation 83.09. On November 7, 2008, Judge Seibert issued a Report and Recommendation recommending that Riley's case be dismissed as moot because Riley was released from BOP custody on October 31, 2008 and, therefore, there is no relief this Court can offer.

Since his release, Riley has not updated the Clerk with a current mailing address as the Clerk instructed him in its notice to pro se litigants. (Dkt. no. 3.) The Clerk, therefore, has been unable to send him a copy of the Report and Recommendation. (See Dkt. no. 11.)

Nevertheless, the Court agrees with the Report and

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Recommendation that because Riley has been released from custody there is no relief that this Court can offer him. Consequently, the Court **ADOPTS** the Report and Recommendation in its entirety and **ORDERS** Riley's case **DISMISSED AS MOOT** and stricken from the Court's docket.

It is so **ORDERED**.

The Court **DIRECTS** the Clerk to mail a copy of this Order to the petitioner by certified mail, return receipt requested, to his last known address as shown on the docket.

Dated: December 19, 2008.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE