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1. [Awad v. Cangemi, 2008 U.S. Dist. LEXIS 122751](#)

Client/Matter: -None-

Search Terms: 2008 U.S. Dist. LEXIS 122751

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Awad v. Cangemi

United States District Court for the District of Minnesota

May 6, 2008, Decided; May 6, 2008, Filed

Civil No. 07-7 (DSD/JJG)

Reporter

2008 U.S. Dist. LEXIS 122751 *; 2008 WL 2228870

Radfan Awad, Petitioner, v. Mark Cangemi,
Respondent.

Subsequent History: Adopted by, Writ of habeas corpus denied, As moot, Judgment entered by [Awad v. Cangemi, 2008 U.S. Dist. LEXIS 42176 \(D. Minn., May 28, 2008\)](#)

Prior History: [State v. Awad, 2007 Minn. App. Unpub. LEXIS 1131 \(2007\)](#)

Core Terms

etition, writ of habeas corpus, order of removal, report and recommendation, custody, MOOT

Counsel: [*1] For Radfan Awad, Petitioner: Herbert A Igbanugo, LEAD ATTORNEY, Igbanugo Partners Int'l Law Firm, PLLC, Minneapolis, MN.

For Mark Cangemi, District Director, U.S. Immigration & Customs Enforcement (ICE), Alberto Gonzales, United States Attorney General, Michael Chertoff, Secretary, Department of Homeland Security, Respondents: Mary L Trippler, LEAD ATTORNEY, United States Attorney's Office, Mpls, MN.

Judges: JEANNE J. GRAHAM, United States Magistrate Judge.

Opinion by: JEANNE J. GRAHAM

Opinion

REPORT AND RECOMMENDATION

JEANNE J. GRAHAM, United States Magistrate Judge

This matter comes before the undersigned on Radfan Awad's etition for a writ of habeas corpus under [28](#)

[U.S.C. § 2241](#) (Doc. No. 1). Mr. Awad is represented by Herbert A. Igbanugo, Esq. Respondent Mark Cangemi, named in his capacity as District Director for Immigration and Customs Enforcement, is represented by Mary L. Trippler, Assistant U.S. Attorney. The etition is referred to this Court for a report and recommendation in accordance with [28 U.S.C. § 636](#) and [Local Rule 72.1](#).

Mr. Awad is a Djiboutian national. Determining that Mr. Awad was convicted for certain firearms offenses, Immigration and Customs Enforcement (ICE) revoked his ermanent resident status [*2] and ordered his removal. ICE officials took Mr. Awad into custody in January 2006, and ICE finalized the order of removal in March 2006.

Mr. Awad appealed the order of removal. While the appeal was ending, Mr. Awad filed his current etition, asserting that his continued detention violated due rocess. The appeal was resolved, and the order of removal was upheld, in October 2007. Mr. Awad was removed to Djibouti in December 2007.

If a etitioner for a writ of habeas corpus is released from custody, then there is no longer a live dispute regarding the etition. As a result, a court has no authority to decide the etition, which is appropriately denied as moot. See [Ali v. Cangemi, 419 F.3d 722, 724 \(8th Cir. 2005\)](#). Being advised of the files and roceedings herein, **IT IS HEREBY RECOMMENDED THAT:**

1. Mr. Awad's etition for a writ of habeas corpus under [28 U.S.C. § 2241](#) (Doc. No. 1) be **DENIED AS MOOT**.
2. This matter be dismissed in its entirety and judgment entered.

Dated this 6th day of May, 2008.

/s/ Jeanne J. Graham

JEANNE J. GRAHAM

United States Magistrate Judge

NOTICE

Pursuant to [Local Rule 72.2\(b\)](#), any party may object to this report and recommendation by filing and serving specific, written objections **[*3]** by **May 20, 2008**. A party may respond to the objections within ten days after service thereof. Any objections or responses filed under this rule shall not exceed 3,500 words. The district court judge shall make a de novo determination of those objections to which objection is made. Failure to comply with this procedure shall forfeit review in the United States Court of Appeals for the Eighth Circuit.

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