

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Melvin Crosby Bey,

Petitioner,

v.

Edward F. Reilly, Jr. *et al.*,

Respondents.

Civil Action No. 08-311 (HHK)

MEMORANDUM ORDER

This *pro se* petition for a writ of *habeas corpus* was filed in February 2008 by the petitioner, Melvin Crosby Bey, who was incarcerated at the time and proceeding *in forma pauperis* (“IFP”). The Court takes judicial notice of a new application to proceed IFP filed in this Court by Crosby Bey on December 31, 2008, which states under penalty of perjury that Crosby Bey was released from prison on November 14, 2008. The IFP application is accompanied by a *pro se* complaint that discloses plaintiff’s address in the community. Release from confinement is the only relief that may be realized from the grant of a petition for a writ of *habeas corpus*. Thus, Crosby Bey’s release from prison renders this *habeas* petition moot and divests this Court of jurisdiction over it. *Conyers v. Reagan*, 765 F.2d 1124, 1127 (“[A] federal court may not ‘give opinions upon moot questions or abstract propositions, or ... declare principles or rules of law which cannot affect the matter in issue in the case before it.’”) (quoting *Mills v. Green*, 159 U.S. 651, 653 (1895)). Accordingly, because this *habeas* petition has been rendered moot by Crosby Bey’s release from prison, it is hereby

ORDERED that the petition in this case be, and hereby is, DISMISSED for want of jurisdiction. The Clerk is directed to CLOSE this case.

This is a final, appealable order. *See* Fed. R. App. P. 4.

DATE: February 4, 2009

/s/
Henry H. Kennedy, Jr.
United States District Judge