

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

Naim Ismail v. B. Bikholtz

No. 2:23-cv-10393-SPG-SP, United States District Court for the Central District of California (February 28, 2025)

SUMMARY

The United States District Court for the Central District of California dismissed Naim Ismail's habeas action without prejudice as moot because he had been released from custody. The court concluded that it could no longer grant the requested relief concerning sentencing credits and immediate release, and ordered judgment accordingly.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Sherilyn Peace Garnett
JURISDICTION	United States District Court for the Central District of California
DECIDED	February 28, 2025
DOCKET	2:23-cv-10393-SPG-SP
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a habeas petition, the record, and a magistrate judge's Report and Recommendation, conducting de novo review of objected-to portions. The respondent objected that the action was moot because petitioner had been released from custody, and petitioner filed no objections.
STANDARD OF REVIEW	De novo review of portions of the magistrate judge's Report and Recommendation to which objections were made; no petitioner objections were filed.
PRECEDENTIAL VALUE	unpublished and nonprecedential district court order
PARTIES	Naim Ismail v. B. Bikholtz, Warden

TOPICS

- federal habeas corpus
- post-conviction relief
- sentence modification
- civil procedure

PRACTICE AREAS

federal habeas corpus

post-conviction relief

mootness

QUESTIONS PRESENTED

1. Whether the habeas action became moot after petitioner was released from custody and the court could no longer grant the requested sentencing-credit and immediate-release relief.

HOLDINGS

1. A habeas action seeking sentencing credits and immediate release is moot when the petitioner has been released and the court can no longer grant the only relief requested.

KEY QUOTATIONS

“Since [the prisoners] elected only to attack their sentences, and since those sentences expired during the course of these proceedings, this case is moot.” (1)

FACTUAL BACKGROUND

Petitioner filed a habeas action seeking application of sentencing credits and immediate release from custody. During the proceedings, petitioner was released from custody. Because the requested relief could no longer be granted, the court determined that the action was moot.

PROCEDURAL HISTORY

Petitioner sought application of sentencing credits and immediate release from custody. After petitioner was released, the respondent argued that the action was moot. The district court adopted the mootness analysis and dismissed the action without prejudice.

DISPOSITION

dismissed

CASES CITED

- Lane v. Williams, 455 U.S. 624, 631 (1982)
- Aaron v. Pepperas, 790 F.2d 1360, 1362 (9th Cir. 1986)

OPINION

Naim Ismail v. B. Birkholz

PER CURIAM.

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UNITED STATES DISTRICT COURT

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CENTRAL DISTRICT OF CALIFORNIA

8 9) Case No. 2:23-cv-10393-SPG-SP

NAIM ISMAIL,)

10) Petitioner,)

ORDER DISMISSING ACTION

11 v.)) WITHOUT PREJUDICE

12 B. BIKHOLZ, Warden,)) 13 Respondent.)) 14) _____) 15 16

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, records on file, 17 and the Report and Recommendation of the United States Magistrate Judge. Further, the 18 Court has engaged in a de novo review of those portions of the Report to which respondent 19 has objected. Petitioner has not filed any written Objections to the Report within the time 20 permitted. 21 Respondent objects that this action is moot because Petitioner was released from 22 custody. (ECF No. 13 at 3). Because the Court can no longer grant the only relief that 23 Petitioner requested, which was application of sentencing credits and immediate release 24 from custody (ECF No. 1 at 2; ECF No. 10 at 5), this case is moot. See *Lane v. Williams*, 25 455 U.S. 624, 631 (1982) (“Since [the prisoners] elected only to attack their sentences, and 26 since those sentences expired during the course of these proceedings, this case is moot.”); 27 *Aaron v. Pepperas*, 790 F.2d 1360, 1362 (9th Cir. 1986) (same, where the prisoner “merely 28 contests the imposition and duration of his sentence”). IT IS THEREFORE ORDERED that (1) this action is dismissed without prejudice 2 moot and (2) Judgment will be entered accordingly. 3 4 5 Dated: _ February 28, 2025 ZY,

6 HONORABLE SHERILYN PEACE GARNETT

7 UNITED STATES DISTRICT JUDGE

8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28