

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Naim Ismail v. B. Bikhholz

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.

OPINION

Naim Ismail v. B. Birkholz

PER CURIAM.

1 2 3 4 5 6

UNITED STATES DISTRICT COURT

7

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. Peppers, 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