

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Cruz v. Price

Cruz · No. 1:18-cv-01360-JLT-CDB (HC) · Decided April 29, 2025

SUMMARY

The United States District Court for the Eastern District of California dismissed Peter Casey Cruz’s petition for a writ of habeas corpus under 28 U.S.C. § 2241 as moot after counsel notified the court that Cruz had died. The court directed the Clerk of Court to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 29, 2025
DOCKET	1:18-cv-01360-JLT-CDB (HC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 was dismissed as moot after counsel notified the court that the petitioner had died while further proceedings were ongoing.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- [federal habeas corpus](#) [post-conviction relief](#) [remedies](#)

PRACTICE AREAS

- [habeas corpus](#) [post-conviction relief](#) [civil procedure](#)

QUESTIONS PRESENTED

1. Whether the habeas petition became moot when the petitioner died during the pendency of the proceeding.

HOLDINGS

1. A habeas petition must be dismissed as moot when the petitioner dies during the proceeding and the court can no longer provide an effective remedy because the petitioner is no longer in the custody being

challenged.

KEY QUOTATIONS

“when an inmate has passed away during the pendency of a proceeding and upon receiving a notice or suggestion of death.”” (at 1)

FACTUAL BACKGROUND

Cruz filed a federal habeas petition while he was a pretrial detainee in state custody at Coalinga State Hospital. After transfer of the action and earlier motion-to-dismiss proceedings, part of the matter was remanded and further proceedings continued. Cruz died on April 16, 2025, and counsel filed a notice of death supported by a death certificate.

PROCEDURAL HISTORY

Peter Casey Cruz filed a § 2241 habeas petition while in state custody at Coalinga State Hospital. The action was transferred to the Eastern District of California on October 1, 2018; a motion to dismiss was granted and judgment was entered on May 3, 2019. The matter was remanded in part on April 25, 2022, and while further proceedings remained ongoing, counsel notified the court that Cruz had died on April 16, 2025.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

None. The Clerk of Court was directed to close the case.

CASES CITED

- Spencer v. Kemna, 523 U.S. 1, 7 (1998)
- Dellinger v. Mays, No. 3:09-CV-104-TAV-DCP, 2023 WL 2316330, at *2 (E.D. Tenn. Mar. 1, 2023)
- Hartwell v. United States, No. 20-3524, 2023 WL 6392754, at *1 (3d Cir. Oct. 2, 2023)
- Cat v. Lefever, No. 1:23-CV-00087, 2024 WL 3709864, at *1 (S.D.W. Va. May 23, 2024), report and recommendation adopted, No. CV 1:23-00087, 2024 WL 3706612 (S.D.W. Va. Aug. 7, 2024)

OPINION

(HC) Cruz v. Price

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

10 11 PETER CASEY CRUZ, Case No. 1:18-cv-01360-JLT-CDB (HC) 12 Petitioner, ORDER

DISMISSING PETITION AS MOOT
DUE TO DEATH OF PETITIONER

13 v.

14 BRANDON PRICE,

15 Respondent. 16

17 18 Peter Casey Cruz filed this petition for a writ of habeas corpus under 28 U.S.C. § 2241 while 19 he was a pretrial detainee in state custody at Coalinga State Hospital. (Doc. 1.) The action was 20 transferred to this Court on October 1, 2018. (Doc. 4.) A motion to dismiss was granted and judgment 21 entered on May 3, 2019. (Docs. 23, 24.) The matter was remanded in part on April 25, 2022. (Docs. 22 32, 33.) Further proceedings were ongoing when, on April 27, 2025, counsel for petitioner filed a 23 notice indicating that Mr. Cruz passed away on April 16, 2025, as evidenced by the attached death 24 certificate. (Doc. 86.) 25 A habeas petition must be dismissed on mootness grounds when the court can no longer offer 26 an effective remedy. See *Spencer v. Kemna*, 523 U.S. 1, 7 (1998). A court may dismiss a habeas 27 petition as moot “when an inmate has passed away during the pendency of a proceeding and upon 28 receiving a notice or suggestion of death.” *Dellinger v. Mays*, No. 3:09-CV-104-TAV-DCP, 2023 WL 1 || 2316330, at *2 (E.D. Tenn. Mar. 1, 2023). This is because the purpose of a petition for a writ of 2 || habeas corpus is release from custody and a petitioner “who dies is no longer in government custody. 3 || *Hartwell v. United States*, No. 20-3524, 2023 WL 6392754, at *1 (3d Cir. Oct. 2, 2023); see also *Cat 4 || v. Lefever*, No. 1:23-CV-00087, 2024 WL 3709864, at *1 (S.D.W. Va. May 23, 2024), report and 5 || recommendation adopted, No. CV 1:23-00087, 2024 WL 3706612 (S.D.W. Va. Aug. 7, 2024) 6 || (dismissing habeas petition upon death of petitioner because “[i]n the context of habeas corpus, a case 7 rendered moot when the inmate is no longer in the custody being challenged, without collateral 8 || consequences, and the court cannot remedy the inmate’s grievance”). 9 Accordingly, the petition is DENIED AS MOOT and the Clerk of Court is directed to 10 || CLOSE THIS CASE. 11 12 || IT IS SO ORDERED. 131 Dated: _ April 29, 2025 Charis [Tourn

14 TED STATES DISTRICT JUDGE

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