

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

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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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