

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KELVIN T. LYTE,

Petitioner,

ORDER

v.

06-C-542-S

THE UNITED STATES OF AMERICA,
ERIC A. RUNAAS and the
FEDERAL BUREAU OF PRISONS,

Respondent.

Petitioner filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 claiming that he was denied his due process rights in his disciplinary proceedings by the federal Bureau of Prisons. On October 26, 2006 respondent responded that petitioner's petition should be dismissed as moot because he had been released from federal custody on October 6, 2006.

In his petition petitioner sought immediate release from the Rock County Jail where he was being held in federal custody. Petitioner has received the relief that he requested and was released from federal custody on October 6, 2006. Accordingly, petitioner's petition for a writ of habeas corpus will be dismissed as moot.

Petitioner is advised that in any future proceedings in this matter he must offer argument not cumulative of that already provided to undermine this Court's conclusion that his petition

must be dismissed as moot. See Newlin v. Helman, 123 F.3d 429, 433 (7th Cir. 1997).

ORDER

IT IS ORDERED that petitioner's petition for a writ of habeas corpus is DISMISSED as moot.

Entered this 20th day of November, 2006.

BY THE COURT:

S/

JOHN C. SHABAZ
District Judge