

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

EDDIE GENE EVANS,

Petitioner,

v.

MICHAEL DITTMAN, Warden,
Columbia Correctional Institution,

Respondent.

ORDER

13-cv-730-wmc

Petitioner Eddie Gene Evans filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254 to challenge the revocation of his release from the Wisconsin Department of Corrections on extended community supervision. After learning that Evans was released to community supervision, the court issued an order directing Evans to show cause why this case should not be dismissed as moot. When the court's show cause order was returned "undeliverable," the court dismissed this case without prejudice for want of prosecution. Alternatively, the court dismissed the petition as moot due to Evans's release.

Evans has now filed a motion that seeks to reinstate this case. (Dkt. # 30, "Showing of Good Cause Why Petition for Writ of Habeas Corpus Should Not Be Dismissed".) Evans explains that he has been extradited to Louisiana, where he is now incarcerated for violating the terms of his parole pursuant to a Louisiana conviction. In doing so, however, Evans effectively concedes that he is no longer in custody of the Wisconsin Department of Corrections.

As explained to Evans in the court's show cause order, a prisoner's petition for writ of habeas corpus requesting release from custody is moot when that prisoner already has been released unless there are sufficient "collateral effects" or "legal consequences." *Lane v.*

Williams, 455 U.S. 624, 632-33 (1982); *Carafas v. LaVallee*, 391 U.S. 234, 238 (1968). Evans identifies no consequences stemming from the challenged revocation of his supervised release in Wisconsin. Absent a showing that there is anything left for the court to remedy, his petition is moot. *See Spencer v. Kemna*, 523 U.S. 1, 7 (1998). Accordingly, Evans's motion to reinstate will be denied.

ORDER

IT IS ORDERED THAT the motion to reinstate filed by Eddie Gene Evans (Dkt. # 30) is DENIED.

Entered this 2nd day of October, 2014.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge