

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

R.D.C.M.P.,

Petitioner,

v.

**Warden, STEWART DETENTION
CENTER,**

Respondent.

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**Case No. 4:26-cv-856-CDL-CHW
28 U.S.C. § 2241**

RECOMMENDATION OF DISMISSAL

Pending before the Court is Petitioner’s application for habeas corpus relief (Doc. 1), Petitioner’s motion for temporary restraining order (Doc. 2), and Respondent’s motions to dismiss (Docs. 5, 17). On July 30, 2026, Respondent filed the second motion to dismiss (Doc. 17) in response to the Court’s order to supplement the record regarding Petitioner’s status. (Doc. 15). Respondent provided notice that Petitioner was released from custody on June 24, 2026, under an Order of Release on Recognizance (OREC). (Doc. 17-1). Due to Petitioner’s release from custody, Respondent moved to dismiss the habeas petition as moot. It is **RECOMMENDED** that Respondent’s second motion to dismiss (Doc. 17) be **GRANTED**, that Respondent’s first motion to dismiss (Doc. 5) be **TERMINATED as moot**, and that Petitioner’s application for habeas corpus relief (Doc. 1) and motion for temporary restraining order (Doc. 2) be **DISMISSED as moot**.

“Article III of the Constitution limits the jurisdiction of federal courts to the consideration of ‘Cases’ and ‘Controversies.’” *Soliman v. United States*, 296 F.3d 1237, 1242 (11th Cir. 2002) (citing U.S. CONST. art. III, § 2). “The doctrine of mootness derives directly

from the case or controversy limitation because an action that is moot cannot be characterized as an active case or controversy.” *Id.* (quotations and citation omitted). “[P]ut another way, a case is moot when it no longer presents a live controversy with respect to which the court can give meaningful relief.” *Id.* (quotations and citations omitted). “Therefore, ‘[i]f events that occur subsequent to the filing of a lawsuit or an appeal deprive the court of the ability to give the plaintiff or appellant meaningful relief, then the case is moot and must be dismissed.’” *Id.* (quoting *Al Najjar v. Ashcroft*, 273 F.3d 1330, 1336 (11th Cir. 2001)).

Here, Petitioner sought an order granting her a writ of habeas corpus and release from custody. Petitioner has been released from custody under an OREC. Because the Court can no longer give Petitioner any meaningful relief, the case is moot and “dismissal is required because mootness is jurisdictional.” *Al Najjar*, 273 F.3d at 1336 (citations omitted).

CONCLUSION

For the reasons discussed herein, it is **RECOMMENDED** that Respondent’s second motion to dismiss (Doc. 17) be **GRANTED**, that Respondent’s first motion to dismiss (Doc. 5) be **TERMINATED as moot**, and that Petitioner’s application for habeas corpus relief (Doc. 1) and motion for temporary restraining order (Doc. 2) be **DISMISSED as moot**.

OBJECTIONS

Pursuant to 28 U.S.C. § 636(b)(1), the parties may serve and file written objections to this Recommendation, or seek an extension of time to file objections, **WITHIN FOURTEEN (14) DAYS** after being served with a copy thereof. Any objection is limited in length to **TWENTY (20) PAGES**. See M.D. Ga. L.R. 7.4. The District Judge shall make a de novo

determination of those portions of the Recommendation to which objection is made. All other portions of the Recommendation may be reviewed for clear error.

The parties are further notified that, pursuant to Eleventh Circuit Rule 3-1, “[a] party failing to object to a magistrate judge’s findings or recommendations contained in a report and recommendation in accordance with the provisions of 28 U.S.C. § 636(b)(1) waives the right to challenge on appeal the district court’s order based on unobjected-to factual and legal conclusions if the party was informed of the time period for objecting and the consequences on appeal for failing to object. In the absence of a proper objection, however, the court may review on appeal for plain error if necessary in the interests of justice.”

SO RECOMMENDED, this 31st day of July, 2026.

s/ Charles H. Weigle
Charles H. Weigle
United States Magistrate Judge