

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Geraldo A. Medero-Gonzales

v.

Civil No. 17-cv-340-JL
Opinion No. 2017 DNH 199

Capt. Brian Brackett, Acting Superintendent,
Strafford County Department of Corrections;
U.S. Department of Homeland Security,
U.S. Immigration and Customs Enforcement;
Timothy Stevens, SDDO/ERO; and Brian Geary,
ICE Deportation Officer

REPORT AND RECOMMENDATION

Geraldo A. Medero-Gonzales has filed a petition for a writ of habeas corpus (Doc. No. 1), pursuant to 28 U.S.C. § 2241, concerning his detention by the United States Immigration and Customs Enforcement ("ICE") that began on July 11, 2017 and ended on August 14, 2017. The federal respondents have moved to dismiss the petition based on Medero-Gonzales's release from ICE detention on August 14. See Doc. No. 5. Petitioner did not file a response to that motion to dismiss.

This court's September 6, 2017 Order ordered Medero-Gonzales to show cause by September 18, 2017 why the petition should not be dismissed, and why the court should not cancel the September 25, 2017 hearing on the motion to dismiss (Doc. No. 5) and Medero-Gonzales's motion for a preliminary injunction (Doc. No. 2). Medero-Gonzales has not responded to that September 6

Order. The court has continued the hearing.

The district judge should grant the motion to dismiss (Doc. No. 5) and close the case because Medero-Gonzales has been released from ICE custody, and the record does not reflect that there are any collateral consequences associated with his July/August 2017 detention. The district judge should also deny as moot Medero-Gonzales's motion for a preliminary injunction (Doc. No. 2) and his objection (Doc. No. 7) to the August 2, 2017 Order (Doc. No. 3), which the court previously construed to be a motion to reconsider that Order.

Any objections to this Report and Recommendation must be filed within fourteen days of receipt of this notice. See Fed. R. Civ. P. 72(b)(2). The fourteen-day period may be extended upon motion. Failure to file specific written objections to the Report and Recommendation within the specified time waives the right to appeal the district court's order. See Santos-Santos v. Torres-Centeno, 842 F.3d 163, 168 (1st Cir. 2016).



Andrea K. Johnstone
United States Magistrate Judge

September 21, 2017

cc: Geraldo A. Medero-Gonzales, pro se
Thomas P. Velardi, Esq.
Terry L. Ollila, Esq.