

Ponce De Leon v. Napolitano, 426 Fed.Appx. 517 (2011)

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This case was not selected for publication in the Federal Reporter. Not for Publication in West's Federal Reporter See Fed. Rule of Appellate Procedure 32.1 generally governing citation of judicial decisions issued on or after Jan. 1, 2007. See also Ninth Circuit Rule 36-3. (Find CTA9 Rule 36-3) United States Court of Appeals, Ninth Circuit.

Francisco PONCE DE LEON, Petitioner—Appellant,
v.
Janet NAPOLITANO, Secretary of the Department of Homeland Security; et al., Respondents—Appellees.

No. 09–56345.

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Argued and Submitted Dec. 6, 2010.

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Filed April 11, 2011.

Attorneys and Law Firms

James Fife, [Janet Tung](#), Federal Defenders of San Diego, Inc., San Diego, CA, for Petitioner—Appellant.

[Samuel William Bettwy](#), Assistant U.S., Office of the U.S. Attorney, San Diego, CA, for Respondents—Appellees.

Appeal from the United States District Court for the Southern District of California, [Marilyn L. Huff](#), District Judge, Presiding. D.C. No. 3:08–cv–02406–H–RBB.

Footnotes

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36–3.

Before: [PREGERSON](#), [CLIFTON](#), and [BEA](#), Circuit Judges.

MEMORANDUM*

*1 Petitioner—Appellant, Francisco Ponce de Leon appeals the district court's order dismissing his [28 U.S.C. § 2241](#) habeas petition as moot. We affirm.

“For a habeas petition to continue to present a live controversy after the petitioner's release ... there must be some remaining collateral consequence that may be redressed by success on the petition.” [Abdala v. I.N.S.](#), [488 F.3d 1061, 1064 \(9th Cir.2007\)](#) (internal quotation marks omitted). Ponce de Leon was released from custody on January 6, 2009, and removal proceedings against him were terminated the next day. On February 11, 2010, Ponce de Leon was issued a certificate of citizenship. Because there is no reason to expect that immigration authorities will disregard his citizenship certificate and detain him again, no collateral consequence of his previous detention remains, and there is therefore no relief left to grant on his petition.

AFFIRMED.

All Citations

426 Fed.Appx. 517, 2011 WL 1361534