

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

<b>LUIS GUZMAN,</b>	:	<b>CASE NO. 3:03CV1532 (DJS)</b>
<b>Petitioner</b>	:	
	:	
<b>- v -</b>	:	
	:	
<b>STATE OF CONNECTICUT DEPARTMENT</b>	:	
<b>OF CORRECTIONS, WARDEN at</b>	:	
<b>CARL ROBINSON CORRECTIONAL</b>	:	
<b>INSTITUTION; UNITED STATES</b>	:	
<b>DEPARTMENT OF IMMIGRATION AND</b>	:	
<b>NATURALIZATION SERVICE (INS),</b>	:	
<b>Respondents.</b>	:	

**MEMORANDUM OF DECISION**

Petitioner, Luis Guzman, came to this court in September 2003 seeking a writ of mandamus ordering his release from custody by the state of Connecticut. Guzman was paroled on December 1, 2002 but not released from custody at that time. The state continued to hold the petitioner because defendant, the United States Immigration and Naturalization Service<sup>1</sup> (“INS”), had presented the state of Connecticut with a Notice of Detainer in March 2001 that requested notification from the state 30 days prior to his release. Petitioner’s notice of parole instructed that he be “paroled to his detainer” and, as a result, Guzman was not released from custody.

Petitioner sought a ruling from this court that the state’s continuation of custody was unconstitutional if based solely on the existence of the INS’s Notice of Detainer. Prior to the filing of any response by the state of Connecticut and the completion of briefing on this matter, Guzman was released by the state of Connecticut into the custody of the federal

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1. The INS was abolished on March 1, 2003. The functions performed by that agency were transferred to the Bureau of Customs and Immigration Enforcement (“BICE”), a division of the Department of Homeland Security (“DHS”).

Bureau of Customs and Immigration Enforcement (“BICE”) on March 5, 2004. As of March 16, 2004, petitioner was transferred to a federal facility in Louisiana for removal proceedings. The INS has notified the court of Guzman’s change in status and requested that the petition be dismissed as moot.

The Supreme Court has held that a habeas corpus petitioner’s release from custody will not always moot the petition. Carafas v. LaVallee, 391 U.S. 234 (1968). The question of mootness turns on the existence, or possible existence, of claims in the petition other than a simple claim for release from custody. Here, the petitioner has not challenged his underlying conviction and he had no standing to challenge his detention by the IRS. The writ sought by Guzman was solely for his release from state custody and that release has occurred.

The court finds no relief that may be granted to the petitioner on his petition now that he has been released from state custody. Accordingly, the petition is moot and the case is dismissed. The Clerk of the Court is ordered to close the case.

**IT IS SO ORDERED** at Hartford, Connecticut, this 16<sup>th</sup> day of February, 2005

/s/DJS  
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**DOMINIC J. SQUATRITO**  
**UNITED STATES DISTRICT JUDGE**