

June 20, 2008

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

CURTIS SCOTT WILLIAMS,
Petitioner-Appellant,

v.

BRAD W. SLATER, Weber County
Sheriff,
Respondent-Appellee.

No. 08-4047

(D.C. No. 1:06-CV-00095-TS)

(D. Utah)

ORDER AND JUDGMENT*

Before **O'BRIEN, McKAY, and GORSUCH**, Circuit Judges.

Petitioner appeals the district court's dismissal of his 28 U.S.C. § 2241 habeas petition. At the time he filed his habeas petition, Petitioner was a pretrial detainee, and the claims he raised in his petition were all related to his pending federal criminal case, *United States v. Williams*, No. 06-CR-11-DB-1.¹ For relief, Petitioner requested that the court "order the Respondents to show cause and

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

¹ For instance, Petitioner alleged that he was arrested without a warrant or probable cause, that his apartment was illegally searched without a valid warrant, that the government violated his right to inspect the evidence against him when they destroyed important physical evidence, and that the government's informants provided false information against him.

certify in writing the true cause of Petitioner[']s confinement.” (R. Doc. 3 at 15.)

The district court denied the petition in January 2008, explaining that any challenges to the criminal proceedings should be made within the context of Petitioner’s criminal case.

We conclude that this case has become moot, and we therefore dismiss for lack of jurisdiction. *See McClendon v. City of Albuquerque*, 100 F.3d 863, 867 (10th Cir. 1996) (“Because mootness is a matter of jurisdiction, a court may raise the issue sua sponte.”). “A case is moot when it is impossible for the court to grant any effectual relief whatever to a prevailing party.” *In re Overland Park Fin. Corp.*, 236 F.3d 1246, 1254 (10th Cir. 2001) (internal quotation marks omitted).

Petitioner entered a plea of guilty to the felony information in his criminal case on May 22, 2008.² On May 27, 2008, he was sentenced to time served. We conclude that his conviction and sentence have mooted his request for an order to show cause for his pretrial confinement. *See Thorne v. Warden, Brooklyn House of Detention for Men*, 479 F.2d 297, 299 (2d Cir. 1973) (“Since [petitioner] is now held as a convicted defendant rather than merely on a criminal charge not yet

² We take judicial notice of the record in Petitioner’s criminal case. *See St. Louis Baptist Temple, Inc. v. FDIC*, 605 F.2d 1169, 1172 (10th Cir. 1979) (“[I]t has been held that federal courts, in appropriate circumstances, may take judicial notice of proceedings in other courts, both within and without the federal judicial system, if those proceedings have a direct relation to matters at issue.”).

brought to trial, the issue as to the legality of his continued *pretrial* detention has been mooted, and it therefore becomes unnecessary to resolve the constitutional issues presented.”); *Fassler v. United States*, 858 F.2d 1016, 1018 (5th Cir. 1988) (“Because [petitioner] is now legally in federal custody, we must hold that his request for release from pretrial confinement is moot.”).

This appeal is **DISMISSED AS MOOT**.

Entered for the Court

Monroe G. McKay
Circuit Judge