

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

ARTHUR SHAW :  
v. : NO. 3:03CV1355 (EBB)  
IMMIGRATION AND NATURALIZATION :  
SERVICE :

RULING ON AMENDED PETITION FOR A  
WRIT OF MANDAMUS

Petitioner, a Jamaican national, following his state conviction of sale of a controlled substance, appeared at a hearing before an Immigration Judge, at which he was represented by counsel and admitted deportability. He was ordered deportable and found ineligible for relief from removal. That decision was affirmed by the Board of Immigration Appeals. An "Immigration Detainer - Notice of Action" was lodged with the warden of the state institution where petitioner was incarcerated which rendered him ineligible for parole. As a result, petitioner brought a petition against the Immigration and Naturalization Service (INS) for a writ of mandamus seeking an order to show cause why he was not afforded a hearing on the detainer and why the detainer should not be removed.

The INS opposed the petition because the detainer was simply a notice that petitioner was under an order of deportability, requesting notification prior to petitioner's return from state custody and, if the petition were construed as a habeas petition, for lack of jurisdiction since petitioner was in state, not federal, custody.

Petitioner responded by filing a Substitute Amended Petition to add state officials as respondents. The respondent INS filed its opposition to the amended petition representing that petitioner in the interim has been deported mootng the petition which related solely to his detention.

Accordingly, the amended petition [Doc. No. 17] is dismissed.

SO ORDERED.

ELLEN BREE BURNS, SENIOR JUDGE  
UNITED STATES DISTRICT COURT

Dated at New Haven, CT, this \_\_\_\_ day of December, 2005.