

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

Rainford P. McKenzie,

*Petitioner,*

*v.*

Department of Homeland Security,

*Respondent.*

Civil No. 3:04cv67 (JBA)

January 15, 2013

**ORDER ON PETITIONER'S MOTION FOR RULING**

Petitioner Rainford McKenzie moves [Doc. # 34] for a final ruling in this case. Based upon the following summary of the procedural history of this action, the Court concludes that there are no claims currently pending in this action, and therefore his motion is denied as moot.

On January 14, 2004, Petitioner filed a petition [Doc. # 1] for writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging his final order of removal entered in 2003. By written ruling dated April 23, 2004, the Court denied Mr. McKenzie's petition and ordered that the case be closed. (*See* Ruling [Doc. # 7].) Petitioner filed a notice of appeal [Doc. # 11] and requested a stay [Doc. # 13] of his removal pending appeal, which the Court granted. (*See* Order [Doc. # 14].) The Second Circuit dismissed Petitioner's appeal for failure to comply with the briefing schedule on August 31, 2004. (*See* Mandate [Doc. # 17].) Mr. McKenzie was removed from the United States on October 15, 2004. The Court vacated the stay of removal on March 1, 2005. (*See* Order [Doc. # 18].)

On July 11, 2007, Petitioner filed a second case, No. 3:07cv1098, seeking a writ of mandamus, which the Court construed as a challenge to the propriety of his removal from the United States. (*See* Ruling on Mot. to Dismiss and Order to Show Cause [Doc. # 20] at 2.) On September 2, 2008, the Court issued a ruling dismissing for lack of

jurisdiction Mr. McKenzie's claims that his deportation violated his due process rights and directing the Clerk to close the 2007 action. (*See id.* at 3). On September 24, 2008, Petitioner filed a notice of appeal (*See* No. 07cv1098 [Doc. # 26].) On March 9, 2009, the Second Circuit dismissed Petitioner's appeal of the 2007 action for failure to comply with the briefing schedule. (*See* No. 07cv1098 [Doc. # 28].) Thus both this Court and the Court of Appeals have dismissed both the 2004 and 2007 actions, and therefore none of Petitioner's claims remain pending at this time.

In the September 2, 2008 ruling, the Court also ordered the Government to show cause as to why it should not face sanctions action for continuing the removal proceedings against Petitioner before the Court formally vacated its stay of removal in the current action. (*See* Ruling on Mot. to Dismiss and Order to Show Cause at 3.) The Court held an evidentiary hearing on this issue on April 16, 2009, at which Petitioner was represented by counsel, and ultimately determined that sanctions were not necessary.

For the reasons discussed above, the Court finds that Petitioner has no outstanding claims before the Court. Therefore, Petitioner's Motion [Doc. # 34] is DENIED as moot, and the Clerk is directed to close this case. The Clerk is also directed to mail a copy of this order to Petitioner to his address in Jamaica.

IT IS SO ORDERED.

/s/  
Janet Bond Arterton, U.S.D.J.

Dated at New Haven, Connecticut this 15th day of January, 2013.