

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

CHARLOTINE DUVERGE

v.

DONNA ZICKEFOOSE and
HARRY G. LAPPIN

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PRISONER
Case No. 3:09cv45 (SRU)

RULING ON PETITION FOR WRIT OF HABEAS CORPUS

The petitioner, Charlotte Duverge (“Duverge”), currently is confined at the Federal Correctional Institution in Waseca, Minnesota (“FCI Waseca”). She brought this action to challenge her medical care at the Federal Correctional Institution in Danbury, Connecticut (“FCI Danbury”), and to seek a stay of her sentence pending resolution of the appeal. She also filed a separate motion to stay her sentence. On May 7, 2009, the court denied Duverge’s Motion to Stay and informed her that the court would address only the claims challenging the adequacy of her medical care at FCI Danbury. See Doc. #14. In her reply to the respondents’ opposition to the petition, Duverge seeks a transfer to another correctional facility as relief for the claim regarding medical care. See Doc. #12 at 7.

Inmates may challenge their conditions of confinement in an action filed pursuant to 28 U.S.C. § 2241. A cognizable challenge to conditions of confinement encompasses a request for certain medical care in the facility in which the inmate is confined as well as requests for transfer to another facility or a change in the level of confinement. See Ilina v. Zickefoose, 591 F. Supp. 2d 145, 150 (D. Conn. 2008).

Duverge was confined at FCI Danbury when she commenced this action. The Inmate Locator function on the Federal Bureau of Prisons website shows that Duverge has been transferred to FCI Waseca. See www.bop.gov (last visited Feb. 5, 2010). Because Duverge has received the precise relief she requested on the only remaining claim and because the defendants are no longer in a position to affect Duverge's medical care, her case is moot.

The petition for writ of habeas corpus [**Doc. #1**] is **DENIED** as moot. The court concludes that any appeal from this order would not be taken in good faith. The Clerk is directed to enter judgment in favor of respondents and close this case.

SO ORDERED this 8th day of February 2010, at Bridgeport, Connecticut.

/s/ Stefan R. Underhill

Stefan R. Underhill
United States District Judge