

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

JANETTE BAUTISTA,
petitioner,

v.

UNITED STATES OF AMERICA,
respondent.

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3:19-cv-00569 (VLB)

August 6, 2020

ORDER OF DISMISSAL

On April 14, 2019, Petitioner filed a habeas petition under 28 U.S.C. § 2241, requesting habeas relief pursuant to the First Step Act. [ECF No. 1]. Specifically, Petitioner sought to be released to home confinement and have her Good Conduct Time credits recalculated. *Id.* at 1. This Court ordered the Respondent to show cause why the Petition should not be granted. [ECF No. 11].

On December 18, 2019, the Respondent filed a response to the order to show cause representing that that Petitioner had been released and transferred on an unescorted transfer to Home Confinement. [ECF No. 14 at 3]. Respondent argues that the petition should be dismissed because the matter is now moot; petitioner has does not have a statutory or constitutional entitlement to the relief sought; and petitioner failed to exhaust her administrative remedies. *Id.* at 7-12. To date, Petitioner has not filed any objection or reply to Respondent's response.

Upon review, the Court finds that the Petition should be dismissed because Petitioner has received the relief that she sought by habeas petition and the matter is now moot. *See Genesis Healthcare Corp. v. Symczyk*, 569 U.S. 66, 72 (2013). Additionally, the Bureau of Prisons' discretionary place of imprisonment

determination is not reviewable by this Court. See 18 U.S.C. § 3621(b); *Fournier v. Zickefoose*, 620 F. Supp. 2d 313, 318 (D. Conn. 2009). Finally, the Court agrees that Petitioner failed to exhaust her administrative remedies required prior to filing a petition for habeas relief. *Carmona v. Bureau of Prisons*, 243 F.3d 629, 634 (2d Cir. 2001).

Accordingly, the petition [ECF No. 1] is DISMISSED.

/s/
Vanessa L. Bryant
United States District Judge

SO ORDERED this 6th day of August 2020, at Hartford, Connecticut.