UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

DEXTER C. BURKE	:	
	:	
v.	:	C.A. No. 08-431S
	:	
ERIC H. HOLDER, JR.	:	

REPORT AND RECOMMENDATION

Lincoln D. Almond, United States Magistrate Judge

Dexter C. Burke filed his Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241on November 13, 2008. (Document No. 1). Petitioner challenged his detention pending a decision on his removal. Respondents filed a Motion to Dismiss or Transfer Venue on January 14, 2009. (Document No. 8). Petitioner did not file an objection or response to the Motion. On February 25, 2009, Petitioner was released from custody of the United States Department of Homeland Security, Bureau of Immigration and Customs Enforcement. (See Document No. 9). Because Petitioner is no longer detained, his Petition pursuant to 28 U.S.C. § 2241challenging his detention is Moot, and I recommend that it be DISMISSED without prejudice.

Any objection to this Report and Recommendation must be specific and must be filed with the Clerk of the Court within ten (10) days of its receipt. See Fed. R. Civ. P. 72(b); LR Cv 72. Failure to file specific objections in a timely manner constitutes waiver of the right to review by the District Court and the right to appeal the District Court's decision. See United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986); Park Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603, 605 (1st Cir. 1980).

/s/ Lincoln D. Almond
LINCOLN D. ALMOND
United States Magistrate Judge
February 27, 2009