

APR 11 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FRANCISCO PONCE DE LEON,

Petitioner - Appellant,

v.

JANET NAPOLITANO, Secretary of the
Department of Homeland Security; et al.,

Respondents - Appellees.

No. 09-56345

D.C. No. 3:08-cv-02406-H-RBB

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Marilyn L. Huff, District Judge, Presiding

Argued and Submitted December 6, 2010
Pasadena, California

Before: PREGERSON, CLIFTON, and BEA, Circuit Judges.

Petitioner-Appellant, Francisco Ponce de Leon appeals the district court's order dismissing his 28 U.S.C. § 2241 habeas petition as moot. We affirm.

“For a habeas petition to continue to present a live controversy after the petitioner's release ... there must be some remaining collateral consequence that

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

may be redressed by success on the petition.” *Abdala v. I.N.S.*, 488 F.3d 1061, 1064 (9th Cir. 2007) (internal quotation marks omitted). Ponce de Leon was released from custody on January 6, 2009, and removal proceedings against him were terminated the next day. On February 11, 2010, Ponce de Leon was issued a certificate of citizenship. Because there is no reason to expect that immigration authorities will disregard his citizenship certificate and detain him again, no collateral consequence of his previous detention remains, and there is therefore no relief left to grant on his petition.

AFFIRMED.