

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 08-3403

EDWARD SEMULKA,
Appellant

v.

BUREAU OF PRISONS;
WARDEN JERRY MARTINEZ

Appeal from the United States District Court
for the Middle District of Pennsylvania
(D.C. Civil No. 08-cv-01290)
District Judge: Honorable Sylvia H. Rambo

Submitted Pursuant to Third Circuit LAR 34.1(a)
March 10, 2008

Before: RENDELL, FUENTES and NYGAARD, Circuit Judges

(Filed: March 13, 2009)

OPINION OF THE COURT

PER CURIAM

Edward Semulka appeals the District Court's order denying his habeas petition filed pursuant to 28 U.S.C. § 2241. The procedural history of this case and the details of Semulka's claims are well known to the parties, set forth in the District Court's

memorandum order, and need not be discussed at length. Briefly, Semulka was scheduled to be released to a Community Corrections Center (“CCC”) on June 3, 2008. A few days before his scheduled release, he was informed that he would not be released to the CCC due to three open warrants. On July 7, 2008, Semulka filed § 2241 petition challenging this determination. The District Court ordered a response and denied the petition. Semulka then filed a timely notice of appeal.

In his § 2241 petition, Semulka requested that the District Court order his release to the CCC. On November 28, 2008, Semulka was released from the custody of the Bureau of Prisons (“BOP”). Because there is no effective relief that this Court can grant, we will dismiss the appeal as moot. See In re Cantwell, 659 F. 2d 1050, 1053 (3d Cir. 1981)(“[A]n appeal will be dismissed as moot when events occur during the pendency of the appeal which prevent the appellate court from granting any effective relief.”)