

96CV04300-EHN-MJ

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARK HOWELL,

96 CV 4300

Petitioner,

MEMORANDUM

-against-

AND

W. FRASER, Warden,

ORDER

Respondent.

-----x

MARK HOWELL
97-A-4171
Marcy Correctional Facility
Old River Road
P.O. Box 5000
Marcy, New York 13403
petitioner pro se.

RICHARD A. BROWN
District Attorney, Queens County
(John M. Castellano, Robin A. Forshaw, Bruce
Seeliger, of counsel)
125-01 Queens Boulevard
Kew Gardens, New York 11415
for respondent.

NICKERSON, District Judge:

Petitioner pro se brought this proceeding for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his commitment to the Mid-Hudson

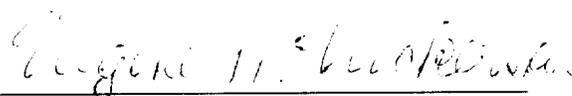
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Psychiatric Center pursuant to an order by the Supreme Court of New York County. Since the filing of his application for habeas corpus petitioner has been released from psychiatric commitment. Petitioner's challenge to his psychiatric commitment at the Mid-Hudson Psychiatric Center consequently is moot.

The petition for the writ of habeas corpus is denied. Because petitioner has not made a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253, a certificate of appealability is also denied.

So ordered.

Dated: Brooklyn, New York
August 25, 1998



Eugene H. Nickerson, U.S.D.J.