

In the Supreme Court of the United States

JOHNNY TAYLOR, PETITIONER

V.

JEFF TANNER, ACTING WARDEN

MOTION TO DISMISS BASED ON PETITIONER’S DEATH

Petitioner Johnny Taylor filed a petition for a writ of certiorari on June 1, 2023, which was docketed on June 5, 2023. The petition involves a habeas corpus action filed under 28 U.S.C. § 2254. This Court requested a response from the respondent, which was to be filed by September 20, 2023.

Johnny Taylor died on September 13, 2023. See Certificate of Discharge, attached as appendix A. For that reason, Taylor is not “in custody” as required to bring an action under § 2254, and the petition is moot. See *Lane v. Williams*, 455 U.S. 624, 630–34 (1982) (dismissing a habeas action as moot because the respondents were no longer subject to a restraint on their liberty); *Claiborne v. United States*, 551 U.S. 87, 87–88 (2007) (per curiam opinion vacating the circuit court judgment as moot because the petitioner died). Respondent therefore asks this Court to dismiss this petition for a writ of certiorari.

Respectfully submitted,

Dana Nessel

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