

May 17, 2007

Charles R. Fulbruge III  
Clerk

UNITED STATES COURT OF APPEALS  
FIFTH CIRCUIT

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No. 06-30096  
Summary Calendar

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MOUSTAPHA SACKO,

Petitioner-Appellant,

versus

ALBERTO R. GONZALES,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Western District of Louisiana  
(2:05-CV-264)

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Before DAVIS, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Moustapha Sacko, an immigration detainee, filed a 28 U.S.C. § 2241 petition in which he challenged his pre-removal detention by the Bureau of Immigration and Customs Enforcement. He now appeals the district court's holding he failed to demonstrate there was no reasonable likelihood of removal in the foreseeable future. According to Sacko, his continued detention beyond six months violates the rule from *Zadvydas v. Davis*, 533 U.S. 678 (2001).

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

It appears the district court did *not* err in concluding Sacko hampered the Government's efforts to remove him. We need *not* reach that issue, however. Instead, we note the district court ordered the Government to obtain travel documents from Burundi within six months. That period has now passed, rendering moot any dispute over the rationale for the district court's order of continued detention. Therefore, we vacate and remand to the district court to determine whether, given the current status of the case, "there is no significant likelihood of removal in the reasonably foreseeable future". *Id.* at 701; see also *Gul v. Rozos*, 163 F. App'x 317 (5th Cir. 2006).

**VACATED AND REMANDED**