

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ROBERT J. ALLEN, et al.,	:	
Plaintiffs,	:	Case No. 1:08CV01780
v.	:	Judge Oliver
TERRY COLLINS, et al.,	:	Magistrate Judge McHargh
Defendants.	:	

**DEFENDANTS' NOTICE OF RESCISSION OF
THE OHIO PAROLE BOARD'S GUIDELINE MANUAL**

Defendants notify the Court and Plaintiffs that the 2007 Ohio Parole Board Guidelines Manual, Third Edition, ("Guidelines Manual"), has been rescinded effective April 1, 2010. *Affidavit of Cynthia Mausser, attached as Exhibit A.*¹ The Ohio Parole Board will continue to exercise its discretion and determine an inmates' suitability for release based upon the criteria listed in the Ohio Revised and Administrative Codes. These provisions have essentially remained unchanged since 1975.

The rescission of the 2007 Guidelines Manual also moots Plaintiffs' claims because the presented issues are no longer live. *U.S. Parole Comm'n v. Geraghty*, 445 U.S. 388, 396 (1980). This case is also moot because the Court is unable to grant Plaintiffs' requested relief². *Speer v. City of Oregon*, 847 F.2d 310, 311 (6th Cir. 1988); *Midwest Media Prop. v. Symnes Twp.* 503 F.3d 456, 460.

¹ Defendants previously asserted that Plaintiffs lacked standing because there isn't a sufficient likelihood that their requested relief, as contained in their Amended Complaint, will redress the alleged injury. Doc. 63, Defendants' Response In Opposition to Plaintiffs' Motion for Class Certification (fully incorporated by reference herein).

² The Court must make a mootness inquiry at every stage of a case, whether or not the parties raise the issue. *McPherson v. Michigan High Sch. Athletic Ass'n, Inc.*, 199 F.3d 453, 458 (6th Cir. 1997).

Respectfully submitted,

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/s/Ryan G. Dolan
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CERTIFICATE OF SERVICE

I certify that on April 1, 2010, a copy of the foregoing, *Defendants' Notice of Rescission of the Ohio Parole Board's Guideline Manual*, was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/Ryan G. Dolan
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