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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

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9 Jeffery Gregory Lopez,

10 Petitioner,

11 vs.

12 Dora B. Schriro, et al.,

13 Respondents.

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) No. CV 06-2527-PHX-MHM

) **ORDER**

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On October 23, 2006, Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. After the matter was fully briefed, the Magistrate Judge issued his Report and Recommendation on December 30, 2008. (Doc. # 43) On January 10, 2009, Petitioner was released from community supervision. (Doc. # 46, Exh. A) On February 2, 2009, the Court adopted the Report and Recommendation and ordered Respondents to either grant Petitioner a new probation revocation hearing or immediately release him from community supervision. (Doc. # 44) Thereafter, the Clerk of the Court entered judgment pursuant to that Order. (Doc. # 45)

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Respondents move for relief from the Court’s Order and Judgment under Federal Rule of Civil Procedure 60(b). Respondents assert that Petitioner was released from community supervision before the Court ordered him released, and therefore the Court’s Order has been satisfied and there is no case or controversy pending before the Court.

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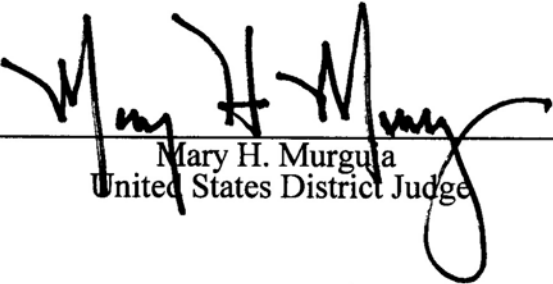
Accordingly, good cause appearing,

IT IS ORDERED granting Respondent's Motion for Relief from Judgment. (Doc. # 46)

IT IS FURTHER ORDERED dismissing this case with prejudice.

IT IS FURTHER ORDERED directing the Clerk of the Court to enter judgment accordingly.

DATED this 11th day of February, 2009.



Mary H. Murgula
United States District Judge