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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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Andrew Arnold,

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No. CV 07-170-PHX-JAT (LOA)

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Petitioner,

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ORDER

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vs.

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Phillip Crawford; et al,

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Respondents.

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Petitioner filed a petition for writ of habeas corpus challenging his “prolonged detention” while awaiting his deportation. (Doc. #1). This Court denied relief. Petitioner moved for reconsideration. Thereafter the Court of Appeals issued two opinions which this Court thought might impact Petitioner’s claims and this Court ordering supplemental briefing from the Government (in the form of a response to the motion for reconsideration). In its response, the Government advised this Court that Petitioner had a bond hearing set for October 17, 2008.¹ Petitioner did not file a reply and has not disputed the Government’s representations regarding the status of this case; thus, the Court has accepted the Government’s representations as true.

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This Court will grant reconsideration to the extent that this Court’s previous order did not provide Petitioner with any relief. Now, Petitioner is receiving relief in the form of an

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¹ The Court does not know the outcome of this hearing.

1 individualized bond hearing. Thus, the prior judgment will be vacated. However, the Court
2 agrees with the Government that, given the status of this case, Petitioner should first pursue
3 the bond procedures at the agency level before seeking habeas relief in this Court. As a
4 result, the Court finds this habeas petition to be moot; accordingly, it will be denied without
5 prejudice.

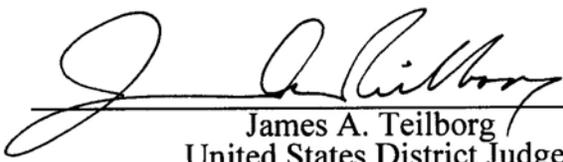
6 Therefore,

7 IT IS ORDERED that the motion for reconsideration (Doc. #27) is granted to the
8 extent listed below;

9 IT IS FURTHER ORDERED that the judgment entered at Doc. #26 is vacated;

10 IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment denying
11 the Petition as moot, without prejudice, because Petitioner has been granted an individualized
12 bond hearing.

13 DATED this 20th day of November, 2008.

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16 _____
17 James A. Teilborg
18 United States District Judge
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