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**NOT FOR PUBLICATION**

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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Fikret Osmancevic,

) No. CV-07-1792-PHX-FJM

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Petitioner,

) **ORDER**

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vs.

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Katrina Kane,

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Respondent.

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The court has before it petitioner’s petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 (doc. 1), respondent’s motion to dismiss (doc. 16), and the report and recommendation of the United States Magistrate Judge (doc. 19). No objection to the report and recommendation was filed and the time for doing so has expired. The Magistrate Judge recommends dismissing the habeas petition as moot because the petitioner was removed from the United States on December 9, 2008.

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We accept the recommended decision of the Magistrate Judge pursuant to 28 U.S.C. § 636(c).

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**IT IS ORDERED DISMISSING** the petition for writ of habeas corpus (doc. 1) and **DENYING** the motion to dismiss (doc. 16) as moot.

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DATED this 3<sup>rd</sup> day of February, 2009.

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*Frederick J. Martone*

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Frederick J. Martone  
United States District Judge

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