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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

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Anthony Wayne Chui,

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No. CV-07-2519-PHX-DGC (GEE)

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Petitioner,

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ORDER

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vs.

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Katrina Kane, ICE, Department of
Homeland Security,

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Respondent.

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Petitioner Anthony Wayne Chui is subject to an order of removal from the United States and has been detained by the federal Bureau of Immigration and Customs Enforcement of the Department of Homeland Security. Petitioner filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Dkt. #1. The petition requests an order requiring the Department of Homeland Security to grant Petitioner a bond hearing pending his removal. *Id.* at 9.

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Respondent has filed a motion to dismiss the petition as moot on the ground that Petitioner has obtained the relief sought in the petition. Dkt. #32. The Court will grant the motion.

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Petitioner received a bond hearing before an immigration judge on April 24, 2009. The judge issued an order releasing Petitioner from federal custody upon posting a \$10,000 bond. Dkt. #32-2 at 2. Because Petitioner has been provided the relief sought in his petition, and because the Court is without jurisdiction to review the immigration judge's bond

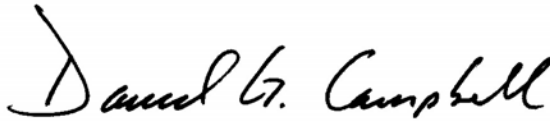
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1 determination, *see* 8 U.S.C. § 1226(e), the petition is moot. The Court will therefore grant
2 Respondent's motion to dismiss. *See Flores-Torres v. Mukasey*, 548 F.3d 708, 710 (9th Cir.
3 2008) (dismissing as moot portion of habeas petition challenging detention without bond
4 upon grant of bond hearing).

5 **IT IS ORDERED:**

- 6 1. Respondent's motion to dismiss (Dkt. #32) is **granted**.
- 7 2. Petitioner's petition for writ of habeas corpus (Dkt. #1) is **dismissed** as moot.
- 8 3. The Clerk is directed to **terminate** this action.

9 DATED this 14th day of May, 2009.

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12 David G. Campbell
13 United States District Judge
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