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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Victor Ramos,	)	No. CIV 08-0762-PHX-MHM (DKD)
	)	
Petitioner,	)	<b>REPORT AND RECOMMENDATION</b>
	)	
vs.	)	
	)	
Katrina Kane, ICE, Department of	)	
Homeland Security,	)	
	)	
Respondent.	)	
	)	

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TO THE HONORABLE MARY H. MURGUIA, UNITED STATES DISTRICT JUDGE:

Victor Ramos filed a petition for writ of habeas corpus on April 23, 2008, contending that his continued detention while his removal proceedings are pending is unlawful (Doc. #1). On August 18, 2008, Respondent Katrina Kane filed a Motion to Hold Proceedings in Abeyance Pending Extrajudicial Resolution Efforts (Doc. #9). On October 17, Kane moved to withdraw the earlier motion, informing the Court that following remand from the Ninth Circuit, the Bureau of Immigration Appeals terminated Ramos’s removal proceedings and he was released from detention (Doc. #10). Kane argues that because Ramos is no longer subject to detention, his petition should be dismissed as moot (*Id.*).

**IT IS THEREFORE RECOMMENDED** that Victor Ramos’s petition for writ of habeas corpus be **dismissed as moot** (Doc. #1).

**IT IS ORDERED** granting Kane’s Motion to withdraw the earlier Motion to Hold Proceedings in Abeyance (Doc. ##9, 10).

1 This recommendation is not an order that is immediately appealable to the Ninth  
2 Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of  
3 Appellate Procedure, should not be filed until entry of the district court's judgment. The  
4 parties shall have ten days from the date of service of a copy of this recommendation within  
5 which to file specific written objections with the Court. *See*, 28 U.S.C. § 636(b)(1); Rules  
6 72, 6(a), 6(e), Federal Rules of Civil Procedure. Thereafter, the parties have ten days within  
7 which to file a response to the objections. Failure timely to file objections to the Magistrate  
8 Judge's Report and Recommendation may result in the acceptance of the Report and  
9 Recommendation by the district court without further review. *See United States v. Reyna-*  
10 *Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003). Failure timely to file objections to any factual  
11 determinations of the Magistrate Judge will be considered a waiver of a party's right to  
12 appellate review of the findings of fact in an order or judgment entered pursuant to the  
13 Magistrate Judge's recommendation. *See* Rule 72, Federal Rules of Civil Procedure.

14 DATED this 21<sup>st</sup> day of October, 2008.

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18 David K. Duncan  
19 United States Magistrate Judge  
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