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NOT FOR PUBLICATION

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Evvers Rafael Guevara-Moreno,

Petitioner,

vs.

Michael Chertoff, et al.

Respondents.

No. CV08-1709-PHX-SRB

ORDER

Petitioner filed his Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief on September 15, 2008, claiming the government is illegally detaining him and denying him a bond hearing. On November 4, 2008, Respondents filed their response to Petitioner’s Petition for Writ of Habeas Corpus. No reply was filed.

On April 28, 2009, the Magistrate Judge issued his Report and Recommendation recommending that the petition be granted and that the district court order Respondents to release Petitioner, unless within 60 days of the districts court’s order, Respondents provide a hearing to Petitioner before an Immigration Judge with the power to grant him bail unless Respondents establish that he is a flight risk or will be a danger to the community.

In his Report and Recommendation the Magistrate Judge advised the parties that they had 10 days from the date of service of a copy of the Report and Recommendation within

1 which to file specific written objections with the Court. The time to file objections has
2 expired and no objections to the Report and Recommendation have been filed by Petitioner.

3 The Court finds itself in agreement with the Report and Recommendation of the
4 Magistrate Judge.

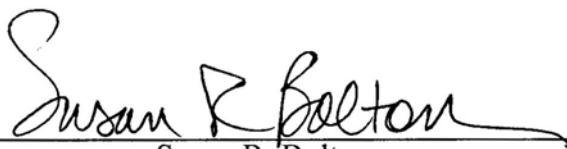
5 IT IS ORDERED adopting the Report and Recommendation of the Magistrate Judge
6 as the order of this Court. (Doc. 19).

7 IT IS FURTHER ORDERED that the Petition for Writ of Habeas Corpus is granted

8 IT IS FURTHER ORDERED that Respondents release Petitioner, unless within 60
9 days of the districts court's order, Respondents provide a hearing to Petitioner before an
10 Immigration Judge with the power to grant him bail unless Respondents establish that he is
11 a flight risk or will be a danger to the community.

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

13 DATED this 20th day of May, 2009.
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18 _____
19 Susan R. Bolton
20 United States District Judge
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