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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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| Qin Huang, |) | |
| |) | |
| Petitioner, |) | No. CV-08-2087-PHX-PGR (ECV) |
| vs. |) | |
| |) | |
| Eric H. Holder, Jr., et al., |) | <u>ORDER</u> |
| |) | |
| Respondents. |) | |

Pending before the Court is the petitioner’s Petition for Writ of Habeas Corpus, filed pursuant to 28 U.S.C. § 2241, wherein the sole relief he seeks is his release from immigration detention pending his removal to the People’s Republic of China. On November 11, 2009, the respondents filed a Motion to Dismiss (doc. #20), wherein they argue that this action should be dismissed for lack of subject matter jurisdiction because the petition became moot when the petitioner was released from immigration detention on July 8, 2009 on an order of supervision.¹ On November 18, 2009, the Court entered an order (doc. #21) that

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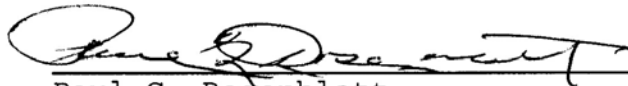
Also pending before the Court is Magistrate Judge Voss’ Report and Recommendation (doc. #16) wherein he recommended that the habeas petition be denied on the ground that the petitioner’s continued detention was not improper because the petitioner had not shown that there was no reasonable likelihood of his removal in the foreseeable future. Given the petitioner’s subsequent release from custody, the Report and Recommendation is now moot

1 required the petitioner to file his response, if any, to the motion to dismiss no later
2 than December 17, 2009; the petitioner was advised in that order that his failure
3 to file a timely response would result in the dismissal of this action. A review of
4 the record establishes that the petitioner has to date failed to object to the motion
5 to dismiss and is thus deemed to have consented to the granting of the motion.

6 Therefore,

7 IT IS ORDERED that the respondents' Motion to Dismiss (doc. #20) is
8 granted pursuant to Fed.R.Civ.P. 41(b) and LRCiv 7.2(i) and that the petitioner's
9 Application for Federal Writ of Habeas Corpus Under 28 U.S.C. § 2241 is denied
10 and that this action is dismissed. The Clerk of the Court shall enter judgment
11 accordingly.

12 DATED this 5th day of January, 2010.

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16 Paul G. Rosenblatt
17 United States District Judge

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26 and the Court will not address it any further.