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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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Rachan Banchong,

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No. CV 09-582-PHX-MHM

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Petitioner,

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ORDER

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vs.

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Katrina Kane,

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Respondent.

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Petitioner, Rachan Banchong, filed his Petition for Writ of Habeas Corpus on March 23, 2009. On January 15, 2010, Respondent filed a Suggestion of Mootness advising the Court that Petitioner was deported on October 27, 2009.

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The Magistrate Judge filed his Report and Recommendation on December 23, 2009 recommending that Petitioner's Petition for Writ of Habeas Corpus be dismissed.

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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 which to file specific written objections with the Court. The time to file such objections has long since expired and no objections to the Report and Recommendation have been filed. The Court notes that the Petitioner's copy of the Report and Recommendation has been returned by the post-office with the notation "Released/Not in Custody." Failure to timely file objections to any factual or legal determination of the Magistrate Judge may be

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1 considered a waiver of a party's right to *de novo* consideration of the issues. *See United*
2 *States v. Reyna-Tapia* 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*).

3 After a complete and independent review of the issues presented, the Court finds itself
4 in agreement with the Report and Recommendation of the Magistrate Judge.

5 IT IS ORDERED adopting the Report and Recommendation of the Magistrate Judge
6 as the order of this Court [Doc. 17].

7 IT IS FURTHER ORDERED that the Petition for Writ of Habeas Corpus is dismissed
8 [Doc. 1].

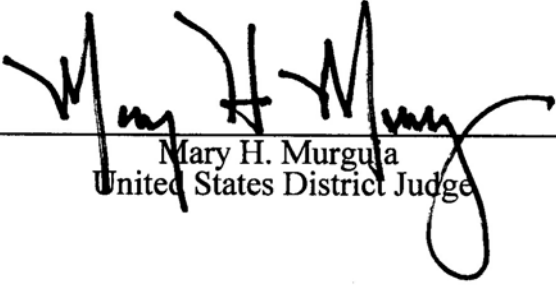
9 IT IS FURTHER ORDERED denying as moot Petitioner's Motion for Stay of
10 Removal [Doc. 16].

11 IT IS FURTHER ORDERED denying a certificate of appealability.

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

13 DATED this 18th day of May, 2010.

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Mary H. Murgula
United States District Judge