

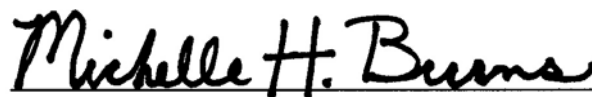
1 his Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 should not be
2 dismissed as moot in light of his release from custody. (Doc. #10.) On August 10, 2009,
3 Petitioner filed a request to voluntarily dismiss his Petition. (Doc. #11.)

4 It appearing that the relief requested in Petitioner's habeas petition has been granted,
5 and both parties agree that the habeas petition is now moot and should, therefore, be
6 dismissed, the Court will recommend that Petitioner's Petition for a Writ of Habeas Corpus
7 be dismissed.

8 **IT IS THEREFORE RECOMMENDED** that Petitioner's Petition for a Writ of
9 Habeas Corpus pursuant to 28 U.S.C. § 2241 (Doc. #1) be **DISMISSED** as moot and without
10 prejudice.

11 This recommendation is not an order that is immediately appealable to the Ninth
12 Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of
13 Appellate Procedure, should not be filed until entry of the district court's judgment. The
14 parties shall have ten days from the date of service of a copy of this recommendation within
15 which to file specific written objections with the Court. See 28 U.S.C. § 636(b)(1);
16 Fed.R.Civ.P. 6(a), 6(b) and 72. Thereafter, the parties have ten days within which to file a
17 response to the objections. Failure to timely file objections to the Magistrate Judge's Report
18 and Recommendation may result in the acceptance of the Report and Recommendation by
19 the district court without further review. See United States v. Reyna-Tapia, 328 F.3d 1114,
20 1121 (9th Cir. 2003). Failure to timely file objections to any factual determinations of the
21 Magistrate Judge will be considered a waiver of a party's right to appellate review of the
22 findings of fact in an order of judgment entered pursuant to the Magistrate Judge's
23 recommendation. See Fed.R.Civ.P. 72.

24 DATED this 18th day of August, 2009.

25 

26 Michelle H. Burns
27 United States Magistrate Judge