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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

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9 Juan Arellano,

10 Petitioner,

11 vs.

12 Eric Holder; et al.,

13 Respondents.

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) No. CV 09-1448-PHX-JAT

) **ORDER**

16 On July 13, 2009, Petitioner filed his habeas petition. On July 28, 2009, Petitioner
17 moved to withdraw his habeas petition because he had been told he was being released from
18 custody. On August 8, 2009, the Magistrate Judge issued a Report and Recommendation
19 recommending that this Court grant the motion to withdraw.

20 On August 11, 2009, Petitioner moved to reinstate his petition because he had not
21 been released. On August 25, 2009, the Government filed a notice that this case was moot
22 because Petitioner had been released. On August 26, 2009, Petitioner again moved to
23 withdraw his Petition.

24 Based on the foregoing,

25 IT IS ORDERED that the first motion to withdraw (Doc. #18), the Report and
26 Recommendation (Doc. #21) and the motion to reinstate (Doc. #23) are all denied as moot;

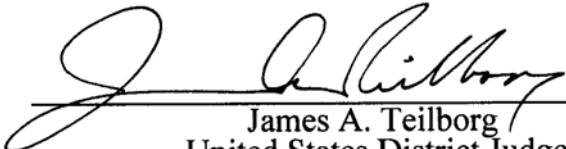
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IT IS FURTHER ORDERED that the second motion to withdraw (Doc. #26) is granted, the petition in this case is deemed to be withdrawn because it is moot; and the Clerk of the Court shall enter judgment of dismissal, without prejudice, accordingly.

DATED this 4th day of September, 2009.



James A. Teilborg
United States District Judge