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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

|                           |   |                                  |
|---------------------------|---|----------------------------------|
| Ravinder Singh Gill,      | ) | No. CIV 09-1553-PHX-PGR (DKD)    |
| Petitioner,               | ) | <b>REPORT AND RECOMMENDATION</b> |
| vs.                       | ) |                                  |
| Janet Napolitano, et al., | ) |                                  |
| Respondents.              | ) |                                  |

15 TO THE HONORABLE PAUL G. ROSENBLATT, U. S. DISTRICT JUDGE:

16 Ravinder Singh Gill, formerly confined at the Eloy Detention Center in Eloy, Arizona,  
17 filed a petition for writ of habeas corpus on July 27, 2009, alleging that immigration officials  
18 are holding him in detention pending his removal to India. He argues that he is entitled to  
19 release from custody because his detention with no prospect that his removal will be effected  
20 in the reasonably foreseeable future is not authorized by law. *See Zadvydas v. Davis*, 533  
21 U.S. 678 (2001). On September 18, 2009, the Court ordered Respondents to answer the  
22 petition (Doc. #4). On September 25, 2009, a copy of the Court’s September 18 Order was  
23 returned as undeliverable, indicating that Gill is no longer in custody (Doc. #13).

24 **IT IS THEREFORE RECOMMENDED** that Ravinder Singh Gill’s petition for writ  
25 of habeas corpus be **dismissed as moot** (Doc. #1).

26 This recommendation is not an order that is immediately appealable to the Ninth  
27 Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of  
28 Appellate Procedure, should not be filed until entry of the district court’s judgment. The

1 parties shall have ten days from the date of service of a copy of this recommendation within  
2 which to file specific written objections with the Court. *See*, 28 U.S.C. § 636(b)(1); Rules  
3 72, 6(a), 6(e), Federal Rules of Civil Procedure. Thereafter, the parties have ten days within  
4 which to file a response to the objections. Failure timely to file objections to the Magistrate  
5 Judge's Report and Recommendation may result in the acceptance of the Report and  
6 Recommendation by the district court without further review. *See United States v. Reyna-*  
7 *Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003). Failure timely to file objections to any factual  
8 determinations of the Magistrate Judge will be considered a waiver of a party's right to  
9 appellate review of the findings of fact in an order or judgment entered pursuant to the  
10 Magistrate Judge's recommendation. *See* Rule 72, Federal Rules of Civil Procedure.

11 DATED this 1<sup>st</sup> day of October, 2009.



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David K. Duncan  
United States Magistrate Judge

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