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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Eric Jallayou,
Petitioner,
vs.
James Kimble, Katrina Kane, Janet
Napolitano, Eric H. Holder, Jr.,
Respondents.

No. CV 09-1592-PHX-MHM

ORDER

Petitioner filed his Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 on August 3, 2009, asserting his continued detention by Respondents pending his removal from the United States violated United States Law. On August 31, 2009, the Magistrate Judge issued his Report and Recommendation recommending that Mr. Jallayou’s Motion to Withdraw his Petition be granted and the Petition for Writ of Habeas Corpus be dismissed with prejudice as moot.

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. Failure to timely file objections to any factual or legal determination of the Magistrate Judge

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1 may be considered a waiver of a party's right to *de novo* consideration of the issues. *See*
2 *United 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.

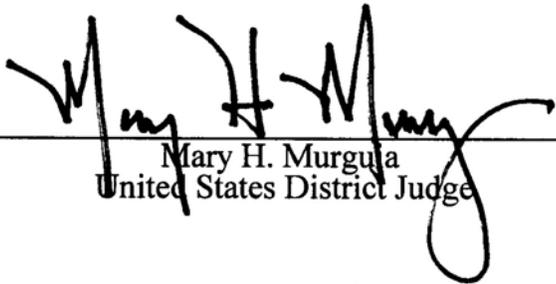
7 IT IS FURTHER ORDERED granting Petitioner's Motion to Withdraw Petition for
8 Writ of Habeas Corpus [doc. 12].

9 IT IS FURTHER ORDERED that the Petition for Writ of Habeas Corpus is dismissed
10 with prejudice [doc. 1].

11 IT IS FURTHER ORDERED denying as moot Petitioner's Motion to Consolidate
12 Cases [doc. 10].

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

14 DATED this 2nd day of November, 2009.

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19 Mary H. Murgula
20 United States District Judge
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