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**NOT FOR PUBLICATION**

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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Nicholaus Simba Dastan,

)

No. CV-09-1997-PHX-FJM

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Petitioner,

)

**ORDER**

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vs.

)

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Katrina Kane,

)

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Respondent.

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The court has before it petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 (doc. 1), in which he contends that his continued detention by the Department of Homeland Security is unlawful. We also have before us the Report and Recommendation by the United States Magistrate Judge (doc. 9). No objections were filed. The Magistrate Judge recommends dismissing the habeas petition as moot because petitioner was released from custody on November 9, 2009, and removed to Tanzania.

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Pursuant to 28 U.S.C. § 636(b), we accept the recommended decision of the Magistrate Judge concluding that petitioner's release and removal have rendered his petition moot. Therefore, **IT IS ORDERED DISMISSING** the petition for writ of habeas corpus (doc. 1).

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DATED this 13<sup>th</sup> day of April, 2010.

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*Frederick J. Martone*

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Frederick J. Martone  
United States District Judge