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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Wai Shing Fong,

Petitioner,

vs.

Katrina S. Kane,

Respondent.

No. CV-10-1863-PHX-PGR (MHB)

ORDER

Having reviewed *de novo* the Report and Recommendation of Magistrate Judge Burns notwithstanding that no party has filed any objection to the Report and Recommendation, the Court agrees with the Magistrate Judge that petitioner’s habeas petition, filed pursuant to 28 U.S.C. § 2241, wherein the petitioner only sought release from immigration detention pending his removal to the People’s Republic of China, should be dismissed because the record establishes that the petitioner was released from custody through an Order of Supervision on March 16, 2011. Therefore,

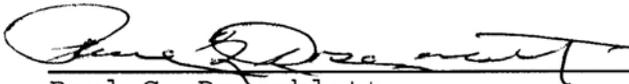
IT IS ORDERED that the Magistrate Judge’s Report and Recommendation (Doc.12) is accepted and adopted by the Court.

IT IS FURTHER ORDERED that the respondent’s Motion to Dismiss

1 Petition for Writ of Habeas Corpus (Doc. 9), to which the petitioner did not
2 respond, is granted.

3 IT IS FURTHER ORDERED that petitioner Wai Shing Fong's Petition
4 Under 28 U.S.C. § 2241 for a Writ of Habeas Corpus by a Person in Federal
5 Custody is dismissed as moot. The Clerk of the Court shall enter judgment
6 accordingly.

7 DATED this 20th day of June, 2011.

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10 Paul G. Rosenblatt
11 United States District Judge
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