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**NOT FOR PUBLICATION**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Choun Son,	)	No. CV10-2248-PHX-SRB
Petitioner,	)	<b>ORDER</b>
vs.	)	
Katrina S. Kane,	)	
Respondent.	)	

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Petitioner, Choun Son, filed his Petition for Writ of Habeas Corpus on October 21, 2010. On January 25, 2011 Respondent filed her Motion to Dismiss for Mootness. On February 8, 2011 the Court issued an Order directing Petitioner to either show cause why this case should not be dismissed for failure to prosecute or to file a notice of change of address. This Order was returned by the post office with the notation "Return to Sender Not in Custody."

The Magistrate Judge filed his Report and Recommendation on March 8, 2011, recommending that Petitioner's Petition for Writ of Habeas Corpus be dismissed without prejudice for failure to prosecute.

In his Report and Recommendation the Magistrate Judge advised the parties that they had 14 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 expired and no objections to the Report and Recommendation have been filed. The Court

1 notes that the Petitioner's copy of the Report and Recommendation has been returned by the  
2 post-office with the notation "Return to Sender Not in Custody."

3 The Court finds itself in agreement with the Report and Recommendation of the  
4 Magistrate Judge.

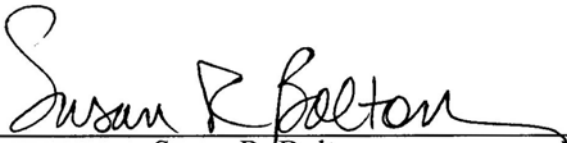
5 IT IS ORDERED adopting the Report and Recommendation of the Magistrate Judge  
6 as the order of this Court.

7 IT IS FURTHER ORDERED that the Petition for Writ of Habeas Corpus is dismissed  
8 without prejudice for failure to prosecute.

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

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DATED this 25<sup>th</sup> day of March, 2011.

  
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Susan R. Bolton  
United States District Judge