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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Fuyin Yin Deng,)	No. CV-11-249-PHX-ROS (MHB)
Petitioner,)	ORDER
vs.)	
Katrina S. Kane,)	
Respondent.)	

Pending before the Court is a report and recommendation (“R&R”) (Doc. 12). For the reasons below, the R&R will be adopted.

BACKGROUND

On February 7, 2011, Petitioner filed a petition for writ of habeas corpus (“Petition”). Petitioner alleged immigration officials were holding him in detention pending his removal to China. On June 6, 2011, Respondent filed a response. On October 21, 2011, the Court issued an order to show cause (“OSC”) why this case should not be dismissed as moot because Petitioner was no longer in detention. The copy of the OSC mailed to Petitioner was returned as undeliverable because Petitioner was not in custody. On October 31, 2011, the R&R recommended the case should be dismissed without prejudice because it is moot. Petitioner did not file any objections to the R&R. On November 23, 2011, Respondent filed a notice suggesting the case was moot because Petitioner was removed from the United States on or about June 9, 2011.

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ANALYSIS

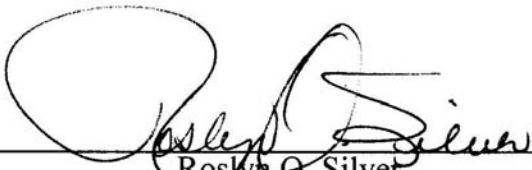
A district court “must make a de novo determination of those portions of the report . . . to which objection is made,” and “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1)(C). A court need review only those portions objected to by a party, meaning a court can adopt without further review all unobjected to portions. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

The R&R recommends the case be dismissed as moot. The Court will adopt the R&R in full.

IT IS ORDERED the Report and Recommendation (**Doc. 12**) is **ADOPTED IN FULL**. The Petition (**Doc. 1**) is **DENIED WITHOUT PREJUDICE** as moot.

IT IS ORDERED a Certificate of Appealability and leave to proceed *in forma pauperis* on appeal is denied because failure to file timely objections to any factual determinations of the Magistrate Judge is considered a waiver of a party’s right to appellate review of those findings of fact. Fed. R. Civ. P. 72.

DATED this 1st day of December, 2011.



Roslyn O. Silver
Chief United States District Judge