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2 NOT FOR PUBLICATION
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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Salwinder Singh,

10 Petitioner,

11 v.

12 Secretary of the Department of Homeland
13 Security, et al.,

14 Respondents.

No. CV-16-00790-PHX-DJH

ORDER

15 This matter is before the Court on Petitioner's Amended Petition for Writ of
16 Habeas Corpus pursuant to 28 U.S.C. § 2241 (Doc. 4) and the Report and
17 Recommendation ("R & R") issued on October 31, 2016, by United States Magistrate
18 Judge David K. Duncan (Doc. 13). Since the filing of his Petition, Petitioner has received
19 the relief he sought therein, *i.e.*, he received a second bond hearing and has been released
20 from custody. Therefore, in its response to the Amended Petition, Respondents filed a
21 Notice of Release and Suggestion of Mootness. Respondents "suggest[ed] that the
22 Amended Petition should be denied as moot insofar as it challenged [petitioner] Singh's
23 continued detention, and should be denied for lack of jurisdiction insofar as it challenged
24 and/or sought review of [his] credible fear claims." (Doc. 12 at 4:15-18).

25 Agreeing with Respondents, that the "Court did not have jurisdiction to order a
26 second credible fear hearing[.]" and that Petitioner had "received all of the relief that this
27 Court could have ordered[.]" Judge Duncan recommended dismissing the Amended
28 Petition as moot. (Doc. 13 at 1:19-23). Not surprisingly, Petitioner did not file any

1 specific written objections to the R & R, as he was entitled to do, and the time to do so
2 has passed.

3 Absent any objections, the Court is not required to review the findings and
4 recommendations in the R&R. *See Thomas v. Arn*, 474 U.S. 140, 149 (1989) (The
5 relevant provision of the Federal Magistrates Act, 28 U. relevant provision of the Federal
6 Magistrates Act, 28 U.S.C. § 636(b)(1)(C), “does not on its face require any review at all
7 . . . of any issue that is not the subject of an objection.”); *United States v. Reyna-Tapia*,
8 328 F.3d 1114, 1121 (9th Cir. 2003) (same); Fed.R.Civ.P. 72(b)(3) (“The district judge
9 must determine de novo any part of the magistrate judge’s disposition that has been
10 properly objected to.”). Nonetheless, the Court has reviewed the R&R and agrees with
11 its recommendation. The Court will, therefore, accept the R&R, and dismiss the Petition
12 as moot and without prejudice. *See* 28 U.S.C. § 636(b)(1)(C) (“A judge of the court may
13 accept, reject, or modify, in whole or in part, the findings or recommendations made by
14 the magistrate judge.”); Fed.R.Civ.P. 72(b)(3) (same).


15 Accordingly,

16 **IT IS ORDERED ACCEPTING AND ADOPTING** as an Order of this Court
17 Magistrate Judge Duncan's R & R (Doc. 13);

18 **IT IS FURTHER ORDERED DISMISSING WITHOUT PREJUDICE** the
19 Amended Petition Under 28 U.S.C. 2241 for a Writ of Habeas Corpus by a Person in
20 Federal Custody (Doc. 4); and

21 **IT IS FINALLY ORDERED** that the Clerk of Court shall terminate this action
22 and enter judgment accordingly.

23 Dated this 15th day of November, 2016.

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26 
27 Honorable Diane J. Humetewa
28 United States District Judge