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6 UNITED STATES DISTRICT COURT
7 FOR THE EASTERN DISTRICT OF CALIFORNIA
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9 SANTIAGO ESTRADA VALDEZ,
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11 Petitioner,

12 v.

13 KRISTEN M. NIELSEN, *et al.*,

14 Respondent.
15

Case No. 1:18-cv-00398-JDP

FINDINGS AND RECOMMENDATIONS
TO GRANT RESPONDENT’S MOTION TO
DISMISS

(Doc. No. 13.)

OBJECTIONS, IF ANY, DUE IN 14 DAYS

ORDER DIRECTING CLERK OF COURT
TO ASSIGN DISTRICT JUDGE

16 Petitioner Santiago Estrada Valdez was detained by the U.S. Bureau of Immigration and
17 Customs Enforcement (“ICE”) at the time he filed a petition for a writ of habeas corpus under
18 28 U.S.C. § 2241. This court issued an order requiring respondent to file a response to the
19 petition. (Doc. No. 6.)

20 Respondent has filed a response to that included a motion to dismiss the petition for
21 mootness. (Doc. No. 13.) Respondent states Valdez has been released from custody under an
22 order of supervision. (*See id.* at 1.) In support of this contention, respondent has submitted a
23 copy of the order dated April 25, 2018. (Doc. No. 13-1.) Valdez has not responded to the
24 motion to dismiss and several case filings have been returned to the court as undeliverable.

25 For these reasons:

- 26 1. The clerk of the court is directed to randomly assign a district judge to this case;
27 2. Respondent directed to mail a copy of these findings and recommendations to
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1 petitioner at his last known address; and

2 3. It is recommended that:

- 3 a. respondent's motion to dismiss (Doc. No. 13) be granted;
- 4 b. the petition for writ of habeas corpus (Doc. No. 1) be denied as moot; and
- 5 c. the clerk be directed to close this case.

6 All motions must be submitted on the record, and briefs must be filed without oral
7 argument unless otherwise ordered by the court. *See* Local Rule 230(l). The court will grant
8 extensions only upon a showing of good cause. If a party requires an extension, that party
9 should file a motion for amendment of the schedule before the relevant deadline has passed and
10 should explain in detail why an extension is required. Local Rule 110 applies to this order.
11 These findings and recommendations will be submitted to the U.S. district judge assigned to the
12 case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within fourteen (14) days of
13 service of these findings and recommendations, plaintiff may file written objections with the
14 court. If plaintiff files such objections, he should do so in a document captioned "Objections to
15 Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file
16 objections within the specified time may result in the waiver of rights on appeal. *See Wilkerson*
17 *v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391,
18 1394 (9th Cir. 1991)).

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20 IT IS SO ORDERED.

21 Dated: September 2, 2018

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23 UNITED STATES MAGISTRATE JUDGE