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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RODOLFO MENDEZ CATO,

Petitioner,

No. CIV S-08-1289 FCD KJM P

vs.

SECRETARY OF THE  
DEPARTMENT OF  
HOMELAND SECURITY, et al.,

Respondents.

FINDINGS AND RECOMMENDATIONS

On June 9, 2008, petitioner filed an application for writ of habeas corpus under 28 U.S.C. § 2241. The court appointed counsel for petitioner on October 23, 2008. On March 31, 2009 counsel informed the court that petitioner has been deported with no forwarding address and that the claims presented by petitioner in his application do not provide a basis for habeas relief. In light of these facts, the court will recommend that this action be dismissed.

Accordingly, IT IS HEREBY RECOMMENDED that petitioner’s application for writ of habeas corpus be dismissed.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty

1 days after being served with these findings and recommendations, any party may file written  
2 objections with the court and serve a copy on all parties. Such a document should be captioned  
3 “Objections to Magistrate Judge’s Findings and Recommendations.” Any reply to the objections  
4 shall be served and filed within ten days after service of the objections. The parties are advised  
5 that failure to file objections within the specified time may waive the right to appeal the District  
6 Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

7 DATED: April 10, 2009.

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U.S. MAGISTRATE JUDGE

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