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

JOSE GARCIA ALCAZAR,  
Petitioner,  
v.  
JEFF SESSIONS, et al.,  
Respondents.

No. 2:17-CV-0282-JAM-DMC-P

FINDINGS AND RECOMMENDATIONS

Petitioner, who is proceeding with retained counsel, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging the denial of a custody determination pursuant to Diouf v. Napolitano, 634 F.3d 1081 (9th Cir. 2011). Pending before the court is respondents’ unopposed motion to dismiss (Doc. 8). The court agrees with respondents’ unopposed argument that the instant petition is now moot because petitioner has been removed from the United States and is no longer in custody. See Picrin-Peron v. Rison, 930 F.2d 773 (9th Cir. 1991).

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Based on the foregoing, the undersigned recommends that respondents' unopposed motion to dismiss (Doc. 8) be granted.

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 14 days after being served with these findings and recommendations, any party may file written objections with the court. Responses to objections shall be filed within 14 days after service of objections. Failure to file objections within the specified time may waive the right to appeal. See Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: December 6, 2018



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DENNIS M. COTA  
UNITED STATES MAGISTRATE JUDGE