

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ISRAEL P. LEON, §
 Petitioner, §
 §
 versus §
 §
 MICHAEL CHERTOFF, in his Official §
 Capacity, Secretary, Department of §
 Homeland Security; ALBERTO §
 GONZALES, in his Official Capacity, §
 Attorney General, Department of Justice; §
 And NANCY ALCANTAR, Field Office §
 Director, San Francisco, CALIFORNIA, §
 United States Bureau of Immigration and §
 Customs Enforcement, §
 Respondents. §

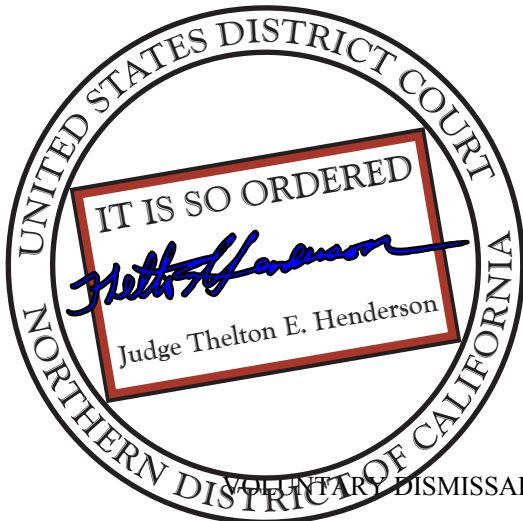
Civil No. C05-4022 TEH
 Voluntary Dismissal or Withdrawal
 of Petition for Writ of Habeas
 Corpus

The grounds for the instant Petition for Writ of Habeas Corpus have been rendered moot by the issuance of an Emergency Stay, by the Board of Immigration Appeals and pursuant to 8 C.F.R. 1003.19(i)(2), of the Immigration Judge’s Order permitting the release of Petitioner on bond.

Therefore, Petitioner, Mr. Leon, through his counsel, hereby submits this request for withdrawal of the Petition and dismissal of the Court’s Order to Show Cause. Petitioner notes that there may be other and related issues of substantive and due process regarding his custody by the Department of Homeland Security, and respectfully requests that the dismissal be without prejudice to any future and distinct Petition(s) for the Writ of Habeas Corpus related to this custody.

Respectfully submitted,

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 Attorney for Petitioner



10/19/05

CERTIFICATE OF SERVICE

I certify that a true copy of the above Voluntary Dismissal or Withdrawal of the Petition for the Writ of Habeas Corpus was served on the United States Attorney for the Northern District of California by first-class, U.S. mail on October 20, 2005.

RICHARD L. COSHNEAR