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

JAMES McQUISTEN,)	No. C 07-3392 MMC (PR)
)	
Petitioner,)	ORDER DISMISSING PETITION AS
)	MOOT
v.)	
)	
MATTHEW LANGE, Facility)	
Director,)	
)	
Respondent.)	

Petitioner James McQuisten, a federal prisoner incarcerated at the Cornell Corrections Facility in Oakland, California, and proceeding pro se, filed the above-titled petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging the validity of his confinement following the revocation parole. On January 7, 2008, the Court ordered respondent to show cause why the petition should not be granted. On January 24, 2008, mail sent to petitioner by the Clerk of the Court was returned as undeliverable; on February 1, 2008, respondent filed a "Statement Noting Death of Petitioner." Attached to said statement is a certified copy of petitioner's death certificate, which certificate shows petitioner died on July 26, 2007. (See Statement Noting Death of Petitioner Ex. A.)

The death of a habeas petitioner renders his petition moot and requires dismissal of the petition. See Garceau v. Woodford, 399 F.3d 1101, 1101 (9th Cir. 2005). Accordingly, the above-titled petition for a writ of habeas corpus is hereby DISMISSED as moot.

The Clerk shall close the file

IT IS SO ORDERED.

DATED: February 7, 2008



 MAXINE M. CHESNEY
 United States District Judge

United States District Court
For the Northern District of California