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Attorneys for Respondents

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

VICTOR SARAVIA,

Petitioner,

v.

NANCY ALCANTAR, Field Office  
Director, United States Immigration and  
Customs Enforcement (USICE); JULIE L.  
MYERS, Assistant Secretary; MICHAEL  
CHERTOFF, Secretary, Department of  
Homeland Security,

Respondents.

No. C 08-3741-MHP

**STIPULATION TO DISMISS; AND  
~~PROPOSED~~ ORDER**

Honorable Marilyn Hall Patel

Victor Saravia-Paguada is a native and citizen of Honduras who is subject to a final order of removal and is scheduled to be removed from the United States on September 19, 2008.

On August 4, 2008, he filed a petition for writ of habeas corpus under 28 U.S.C. § 2241, as well as an emergency motion for a stay of removal, seeking a stay of his removal while he seeks to vacate his 1992 convictions in California Superior Court for Santa Clara County for possession of methamphetamine in violation of California Health and Safety Code § 11378, and cultivation of marijuana in violation of California Health and Safety Code § 11358.

After reviewing the papers submitted and considering the arguments presented on September 11, 2008, at the hearing on the petitioner's emergency motion for a stay of

STIPULATION TO DISMISS AND PROPOSED ORDER

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1 removal, this Court orally denied the petitioner's emergency motion for a stay of removal. In  
2 light of the Court's denial of the petitioner's emergency motion for a stay of removal, the  
3 parties, by and through their attorneys of record, believe that the petition for writ of habeas  
4 corpus should be dismissed as moot.

5  
6 Dated: September 16, 2008

/s/  
EDWARD A. OLSEN  
Assistant United States Attorney

7  
8  
9 Dated: September 16, 2008

/s/  
STEPHEN SHAIKEN  
Attorney for Petitioner

10  
11  
12 **ORDER**

13 Pursuant to stipulation, IT IS ORDERED that the petition for writ of habeas corpus is  
14 dismissed.

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16 Date: September 17, 2008

