

E-Filed 5/25/11

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8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

12 ARACELY DE JESUS FAJARDO)
 GARCIA,)
 13)
 Petitioner,)
 14)
 v.)
 15)
 MICHAEL CHERTOFF, Secretary,)
 16 Department of Homeland Security;)
 NANCY ALCANTAR, Field Office)
 17 Director, Immigration and Customs)
 Enforcement; and MICHAEL)
 18 MUKASEY, Attorney General of the)
 United States,)
 19)
 Respondents.)
 20

No. C 08-5729-RS

**STIPULATION TO DISMISS;
 [PROPOSED] ORDER**

21 This immigration habeas petition has been stayed until the Ninth Circuit Court of Appeals
 22 issued a final decision in Singh v. Napolitano, 619 F.3d 1101 (9th Cir. 2010).

23 On March 21, 2011, the Ninth Circuit denied the petition for panel rehearing and the petition
 24 for rehearing en banc. On April 12, 2011, the appellate court denied the petitioner-appellant's
 25 subsequent motion to stay the mandate. On May 3, 2011, the Mandate issued. Accordingly, the
 26 holding in Singh stands, and the parties jointly move the Court to dismiss the habeas petition
 27 without prejudice. The parties agree to continue the stay of removal for forty-five (45) days from
 28 dismissal, to allow Petitioner time to file a motion to reopen with the Board of Immigration

1 Appeals.

2 Each party shall pay their own costs and fees.

3 Dated: May 19, 2011

Respectfully submitted,

4 MELINDA HAAG
United States Attorney

5 _____
6 /s/
7 ILA C. DEISS¹
Assistant United States Attorney
Attorneys for Respondents

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9 Dated: May 12, 2011

10 _____
11 /s/
12 JAMES TODD BENNETT
Attorney for Petitioner

13 ~~PROPOSED~~ ORDER

14 Pursuant to the joint motion of the parties, IT IS SO ORDERED. The stay of deportation will
15 expire in forty-five (45) days from the date of this Order. The habeas petition is DISMISSED,
16 without prejudice. The parties shall bear their own costs and fees. The Clerk shall close the file.

17 Dated: 5/24/11

18 
19 RICHARD SEEBORG
United States District Judge

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28 ¹I, Ila C. Deiss, hereby attest that I obtained the concurrence of all signatories represented
by a conformed (/s/) signature in the filing of this document.