

E-Filed 1/5/09

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

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

No. C 08-5729-JF

**STIPULATION TO WITHDRAW MOTION
 FOR EMERGENCY STAY OF REMOVAL;
 TO STAY THE PETITIONER'S
 REMOVAL; AND TO A BRIEFING
 SCHEDULE; AND ~~PROPOSED~~ ORDER**

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 22 Petitioner, by and through her attorney of record, and respondents, by and through their
 23 attorneys of record, hereby stipulate, subject to approval to the Court, to the following:

- 24 1. The petitioner withdraws her motion for an emergency stay of removal without prejudice.
- 25 2. The respondents agree to stay the petitioner's removal through February 20, 2009.
- 26 3. The parties agree to the following briefing schedule:

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1 Respondents' Return in Opposition to Habeas Petition: January 23, 2009
2 Petitioner's Reply: January 30, 2009
3 Hearing: February 6, 2009 at 9:00 a.m.
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5

6 Date: December 24, 2008

Respectfully submitted,

7 JOSEPH P. RUSSONIELLO
8 United States Attorney

9 /s/
10 EDWARD A. OLSEN
11 Assistant United States Attorney
12 Attorneys for Respondents

13 Date: December 24, 2008

14 /s/
15 JAMES TODD BENNETT, Esq.
16 Attorney for Petitioner

17 **ORDER**

18 Pursuant to stipulation, IT IS SO ORDERED.

19
20 Date: 1/5/09

21 
22 _____
23 JEREMIAH FOGEL
24 United States District Judge
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