

1 JOSEPH P. RUSSONIELLO, CSBN 44332
 United States Attorney
 2 JOANN M. SWANSON, CSBN 88143
 Assistant United States Attorney
 3 Acting Chief, Civil Division
 EDWARD A. OLSEN, CSBN 214150
 4 Assistant United States Attorney

E-Filed 1/26/09

5 450 Golden Gate Avenue, Box 36055
 San Francisco, California 94102
 6 Telephone: (415) 436-6915
 FAX: (415) 436-6927

7 Attorneys for Respondents

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 VACATE THE
 BRIEFING SCHEDULE AND HEARING
 DATE; AND [PROPOSED] ORDER**

21
 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 vacate the briefing
 24 schedule and vacate the hearing date in this matter based on the fact that the parties are currently
 25 discussing ways of either administratively resolving the matter or placing the case in abeyance
 26 pending resolution of an appeal that was argued at the United States Court of Appeals for the
 27 Ninth Circuit on January 13, 2009, and which may resolve some of the issues present in the habeas
 28 petition.

1 The parties will submit a revised briefing schedule and a proposed hearing date within one
2 week of the submission of this stipulation. The Respondents agree to stay Petitioner's removal
3 through February 20, 2009, subject to further stay upon the filing of a revised briefing schedule.
4

5 Date: January 23, 2009

Respectfully submitted,

6 JOSEPH P. RUSSONIELLO
7 United States Attorney

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

12 Date: January 23, 2009

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

16 **ORDER**

17 Pursuant to stipulation, IT IS SO ORDERED.

18
19 Date: 1/26/09

20 
21 JEREMY FOGEL
22 United States District Judge
23
24
25
26
27
28