

1 MELINDA HAAG
 United States Attorney
 2 JOANN M. SWANSON, CSBN 88143
 Assistant United States Attorney
 3 Chief, Civil Division
 ILA C. DEISS, NY SBN 3052909
 4 Assistant United States Attorney
 5 450 Golden Gate Avenue, Box 36055
 San Francisco, California 94102
 6 Telephone: (415) 436-7124
 FAX: (415) 436-7169
 7 ila.deiss@usdoj.gov

8 Attorneys for Respondents

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

12 AMALIA HERNANDEZ PERALES,)
)
 13 Petitioner,)
)
 14 v.)
)
 15 JANET NAPOLITANO, Secretary,)
 Department of Homeland Security;)
 16 TIMOTHY AIKEN, Field Office Director,)
 Immigration and Customs Enforcement;)
 17 and ERIC HOLDER, JR., Attorney General)
 of the United States,)
)
 18 Respondents.)
)
 19 _____)

No. C 09-6028 SI

JOINT MOTION TO DISMISS; and
~~**[PROPOSED]**~~ **ORDER**

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

22 On March 21, 2011, the Ninth Circuit denied the petition for panel rehearing and the petition
 23 for rehearing en banc. On April 12, 2011, the appellate court denied the petitioner-appellant's
 24 subsequent motion to stay the mandate. On May 3, 2011, the Mandate issued. Accordingly, the
 25 holding in Singh stands, and the parties jointly move the Court to dismiss the habeas petition
 26 without prejudice. The parties agree to continue the stay of removal for thirty (30) days from
 27 dismissal, to allow Petitioner to file a motion to reopen the Board of Immigration Appeals and
 28 seek a stay of removal.

