2	MELINDA HAAG United States Attorney JOANN M. SWANSON, CSBN 88143 Assistant United States Attorney Chief, Civil Division ILA C. DEISS, NY SBN 3052909 Assistant United States Attorney 450 Golden Gate Avenue, Box 36055 San Francisco, California 94102 Telephone: (415) 436-7124 FAX: (415) 436-7124 FAX: (415) 436-7169 <u>ila.deiss@usdoj.gov</u> Attorneys for Respondents UNITED STATES DISTRICT COURT		
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10	NORTHERN DISTRICT OF CALIFORNIA		
11	SAN FRANCISCO DIVISION		
12	AMALIA HERNANDEZ PERALES,)) No. C 09-6028 SI		
13	Petitioner,		
14	v. () JOINT MOTION TO DISMISS; and () [RROPOSED] ORDER		
15	JANET NAPOLITANO, Secretary,		
	TIMOTHY AIKEN, Field Office Director,		
16	and ERIC HOLDER, JR., Attorney General		
17	of the United States,)		
18	Respondents.)		
19	This immigration habeas petition has been stayed until the Ninth Circuit Court of Appeals		
20	 issued a final decision in <u>Singh v. Napolitano</u>, 619 F.3d 1101 (9th Cir. 2010). On March 21, 2011, the Ninth Circuit denied the petition for panel rehearing and the petition for rehearing <u>en banc</u>. On April 12, 2011, the appellate court denied the petitioner-appellant's subsequent motion to stay the mandate. On May 3, 2011, the Mandate issued. Accordingly, the holding in <u>Singh</u> stands, and the parties jointly move the Court to dismiss the habeas petition 		
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25 26	without prejudice. The parties agree to continue the stay of removal for thirty (30) days from		
26	dismissal, to allow Petitioner to file a motion to reopen the Board of Immigration Appeals and		
27 28	seek a stay of removal.		

Joint Motion to Dismiss; [Proposed] Order C09-6028 SI

1	Each party shall pay their own costs and fees.		
2	Dated: June 3, 2011	Respectfully submitted,	
3		MELINDA HAAG United States Attorney	
4		/s/	
5		ILA C. DEISS ¹ Assistant United States Attorney	
6		Attorneys for Respondents	
7			
8	Dated: June 3, 2011	/s/ JAMES TODD BENNETT	
9		Attorney for Petitioner	
10			
11		[PROPOSED] ORDER	
12			
13	Pursuant to the joint motion of the parties, IT IS SO ORDERED. The stay of deportation will		
14	expire in thirty (30) days from the date of this Order. The habeas petition is DISMISSED, without		
15	prejudice. The parties shall bear their own costs and fees. The Clerk shall close the file.		
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17	Dated 6/20/11	Alsan Delaton	
18		SUSAN ILLSTON	
19		United States District Judge	
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28	¹ I, Ila C. Deiss, hereby at by a conformed (/s/) signature in	ttest that I obtained the concurrence of all signatories represented the filing of this document.	
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Joint Motion to Dismiss; [Proposed] Order C09-6028 SI