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

11 FERNANDO MORENO MENDEZ and MARIA) No. C 10-2471 TEH
 12 DEL CARMEN MORENO GOMEZ,)

13 Petitioners,)

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

14 v.)

15 JANET NAPOLITANO, Secretary of Homeland)
 Security, TIMOTHY AITKEN, San Francisco)
 16 Field Office Director, United States Immigration)
 and Customs Enforcement, and)
 17 ERIC H. HOLDER, JR., Attorney General,)

18 Respondents.)

19 _____)
 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 the Board of Immigration Appeals to consider Petitioner's motion to reopen
 28 removal proceedings and stay of removal.

