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

<p>12 ADLER DARWIN CANO VILLATORO,          13                                    Petitioner,          14                                    v.          15 JANET NAPOLITANO, Secretary,          Department of Homeland Security;          16 TIMOTHY AITKEN, Field Office Director,          Immigration and Customs Enforcement, and          17 ERIC HOLDER, JR., Attorney General of the          United States,          18                                    Respondents.          19 _____</p>	<p>) No. C 10-5875 TEH          )          )          ) <b>STIPULATION TO DISMISS; AND</b>          ) <b><del>[PROPOSED]</del> ORDER</b>          )          )          )          )          )          )          )</p>
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21 Whereas on March 24, 2011, the Court directed Petitioner to show cause within 14 days after  
 22 issuance of the mandate why in light of *Pal Singh v. Napolitano*, 619 F.3d 1101 (9<sup>th</sup> Cir. 2010) his  
 23 petition for a writ of habeas corpus should not be dismissed; and

24 Whereas on May 3, 2011, the mandate issued in *Pal Singh v. Napolitano, supra*; and

25 Whereas Petitioner, having been fully advised of the issues pending before the District Court  
 26 and the potential legal consequences of dismissal, has requested in writing that the petition be  
 27 dismissed and the stay order be lifted;

28 Petitioner, by and through his attorney of record, and Respondent, by and through their

1 attorneys of record, hereby stipulate, subject to the approval of the Court, to dismissal of the  
2 above-entitled action without prejudice and to a lifting of the stay of removal imposed on January  
3 31, 2011. The parties further stipulate to paying their own costs and fees.

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5 Dated: May 4, 2011

Respectfully submitted,

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7 MELINDA HAAG  
United States Attorney

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9 \_\_\_\_\_  
/s/  
10 ILA C. DEISS  
Assistant United States Attorney

11 Dated: May 4, 2011

12 \_\_\_\_\_  
/s/  
13 JAMES TODD BENNETT  
Attorney for Petitioner

14  
15 **ORDER**

16 Pursuant to stipulation,  
17 SO ORDERED.

18 DATE: 05/04/2011



28 Stipulation to Dismiss  
C 10-5875 TEH