

MELINDA HAAG (CABN 132612)  
United States Attorney  
ALEX G. TSE (CABN 152348)  
Chief, Civil Division  
VICTORIA R. CARRADERO (CABN 217885)  
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102-3495  
Telephone: (415) 436-7181  
FAX: (415) 436-6748  
Email: victoria.carradero@usdoj.gov

Attorneys for Federal Defendants

ZACHARY M. NIGHTINGALE (CABN 184501)  
Van Der Hout, Brigagliano & Nightingale, LLP

180 Sutter Street, Fifth Floor  
San Francisco CA 94104  
Direct Phone (415) 821-8806  
Main Phone (415) 981-3000  
Fax: (415) 981-3003  
Email: ZN@vblaw.com

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

PEDRO VIVEROS JIMENEZ  
Petitioner,  
  
v.  
  
TIMOTHY AITKEN ET AL.  
  
Respondents.

Case No. C 13-05443 CRB

**STIPULATION AND ORDER OF  
DISMISSAL OF ACTION**

1 Petitioner Pedro Viveros Jimenez and the Federal Respondents, by and through their undersigned  
2 counsel, hereby stipulate as follows.

3 As set forth in the stipulation filed with the Court on December 9, 2013 at Dkt No. 10, the parties  
4 met and conferred and this matter will resolve without litigation.

5 Petitioner was released from ICE custody under the Intensive Supervision Appearance Program  
6 on December 10, 2013. He is now unable to satisfy the Article II, Sec. 2 requirement of a live case or  
7 controversy.  
8

9 The parties thereby request dismissal of this action as moot.

10 Each party will pay their own costs and attorneys' fees.

11 Respectfully submitted,

12  
13 DATED: December 11, 2013

\_\_\_\_\_/S/\_\_\_\_\_  
14 ZACHARY M. NIGHTINGALE  
Attorney for Petitioner

15  
16 MELINDA L. HAAG  
United States Attorney

17  
18 DATED: December 11, 2013

\_\_\_\_\_/S/\_\_\_\_\_  
19 VICTORIA R. CARRADERO  
Assistant United States Attorney  
Attorneys for Federal Respondents

20  
21 \*I, Victoria R. Carradero, attest that I have obtained concurrence in the filing of this document from  
Plaintiff's counsel, Mr. Zachary Nightingale.

\_\_\_\_\_/s/\_\_\_\_\_  
22 VICTORIA R. CARRADERO  
23 Assistant United States Attorney

24  
25 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

26  
27 DATED: December 12, 2013

\_\_\_\_\_  
28 HONORABLE CHARLES R. BREYER  
UNITED STATES DISTRICT COURT JUDGE

