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8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 OAKLAND DIVISION

12 ERIKA LEMUS) No. C 09-3680-CW
)

13 Petitioner,)

14 v.)

**STIPULATION TO DISMISS; AND
 ORDER**

15 ERIC HOLDER, Attorney General of the)
 United States; CHARLES DEMORE,)
 16 Acting District Director, San Francisco)
 Office, U.S. Immigration and Naturalization)
 17 Service,)

18 Respondents.)
)
 19)

20 The petitioner, by and through her attorney, and respondents, by and through their
 21 attorneys, hereby stipulate, subject to approval of the Court, to dismissal of the above-entitled
 22 proceeding in light of the fact that the Board of Immigration Appeals (BIA) has issued a decision
 23 on her motion to reopen her removal proceedings. The relief requested in the habeas petition – a
 24 stay of removal pending a decision by the BIA on the petitioner’s motion to reopen – is no
 25 longer necessary.

26 Each of the parties shall bear their own costs and fees.

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1 Dated: October 1, 2009

Respectfully submitted,

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JOSEPH P. RUSSONIELLO
United States Attorney

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/s/
EDWARD A. OLSEN
Assistant United States Attorney

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7 Dated: October 1, 2009

/s/
FRANK SPROULS
Attorney for Petitioner

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ORDER

11 Pursuant to stipulation, IT IS SO ORDERED.

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Dated: October ⁵ __, 2009



CLAUDIA WILKEN
United States District Judge

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