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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

MANUEL PEREZ RUVALCABA,

Plaintiff,

vs.

JERRY FOND and MARY FUKAY,

Defendants.

No. C 10-0964 PJH (PR)

**ORDER FOR PETITIONER TO  
SHOW CAUSE WHY CASE  
SHOULD NOT BE  
DISMISSED**

This is a civil rights case filed pro se by a prisoner who was held at the Santa Clara County Jail at the time the complaint was filed. The only relief he requests is release. Leave to proceed in forma pauperis has been granted in a separate order.

Plaintiff does not make clear why he was being held, but it appears likely that his incarceration was for proceedings in a federal case, his 2003 conviction for illegal reentry. See *United States v. Ruvalcaba*, 03-cr-20018-RMW. On April 27, 2010, Judge Ronald Whyte of this court granted a defense motion in that case for immediate release, modifying the provisional sentence to time served. It thus appears likely that plaintiff is no longer incarcerated, and that this case is moot.

Plaintiff shall show cause within fifteen days of the date this order is entered why the case should not be dismissed as moot. Because the only relief he seeks is release from incarceration, to show that the case is not moot he must provide a declaration signed under penalty of perjury showing that he is still incarcerated.

**IT IS SO ORDERED.**

Dated: October 25, 2010.



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PHYLLIS J. HAMILTON  
United States District Judge