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5 Attorney for Petitioner **OSCAR ALAN MARTINEZ**

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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

10 **OSCAR ALAN MARTINEZ,**

11 Petitioner,

12 v.

13 ERIC HOLDER, Attorney General of the
United States, JEH JOHNSON, Secretary
14 of Homeland Security, TIMOTHY S. AITKEN,
San Francisco Field Office Director, Office of
15 Enforcement and Removal Operations, ICE,
United States Immigration and Customs
16 Enforcement,

17 Respondents.

No. 14-cv-05253-NC

Agency File No. A206 350 758

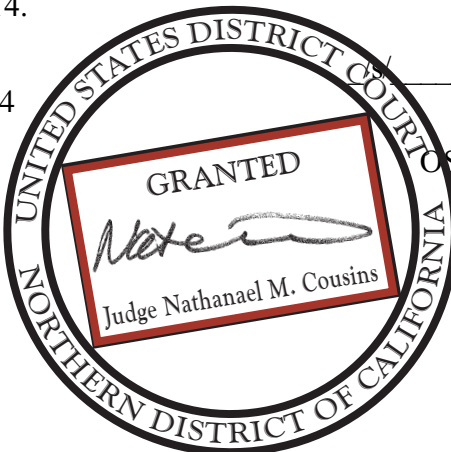
18 **MOTION TO DISMISS WITHOUT**
19 **PREJUDICE AND ORDER**

20 Petitioner, OSCAR ALAN MARTINEZ, through his counsel, LAMAR PECKHAM, hereby
21 moves the court to dismiss the Petition for Writ of Habeas Corpus filed in this proceeding, without
22 prejudice, and pursuant to agreement of the parties herein, for the following reason. On December
23 27, 2014, petitioner filed a timely Petition for Review with the Ninth Circuit, at respondents'
24 suggestion, rendering this petition moot.

Dated: December 30, 2014.

25 Dated: December 31, 2014

26 Lamar Peckam
27 LAMAR PECKHAM
Attorney for Petitioner
28 OSCAR ALAN MARTINEZ



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CERTIFICATE OF SERVICE
When All Case Participants are Registered for the
CM/ECF System

U.S. District Court Docket Number: 14-cv-05253-NC

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Northern District of California by using the CM/ECF system on December 30, 2014

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I certify that all required privacy redactions have been made in this document.

I certify that this ECF submission was scanned for viruses by the commercial virus scanning program Symantec Norton 360, most recently updated 12/29/14, and, according to the program is free of viruses.

_____/s/_____
Lamar Peckham
Attorney for Petitioner