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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

NORMA ROA,

Petitioner,

v.

JANET NAPOLITANO, Secretary of
the Department of Homeland Security,
et al.,

Respondents.

CASE NO: 09-CV-1655 W (AJB)

**ORDER DISMISSING PETITION
AS MOOT**

22 On July 30, 2009, Petitioner Norma Roa filed a petition for writ of habeas corpus
23 pursuant to 28 U.S.C. § 2241. Petitioner challenges her continued detention on the
24 grounds that it violates her Fifth Amendment due process rights. (*See* Doc. No. 1, p.5.)

25
26 On October 8, 2009, Respondents notified the Court that Petitioner was released
27 from custody on or about October 1, 2009. (*See* Doc. No. 10-1, ¶ 3.) Respondents,
28 therefore, argue that the case is moot and should be dismissed. To date, Petitioner has

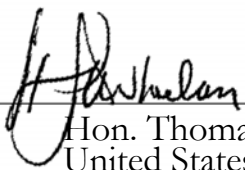
1 not filed a response to Respondents' notice, and thus Petitioner has not opposed the
2 request for dismissal.

3 Attached to Respondents' notice is a copy of the Order of Release on
4 Recognizance (Doc. No. 10-2), which was signed by Petitioner on October 1, 2009.
5 Because the evidence before the Court establishes that Petitioner was released from
6 custody, the Court finds that the petition is moot, and thus orders this case

7 **DISMISSED.**

8 **IT IS SO ORDERED.**

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11 DATED: October 22, 2009

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13 _____
14 Hon. Thomas J. Whelan
15 United States District Judge

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CC: ALL PARTIES