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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY *RTM*

DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FERNANDO CALEB ORTIZ GERMAN,
A# 209-160-512,

Petitioner,

v.

JEFFERSON B. SESSIONS, III, in his
official capacity as Attorney General of
the United States; JOHN F. KELLY, in
his official capacity as the Secretary of the
Department of Homeland Security;
GREGORY J. ARCHAMBEAULT, in his
official capacity as the San Diego Field
Office Director, Immigrations and
Customs Enforcement, Enforcement and
Removal Operations; FRED FIGUEROA,
in his official capacity as the warden for
the "CoreCivic" Otay Mesa Detention
Facility,

Respondents.

Case No.: 3:17-cv-00877-BEN-MDD

**ORDER DISMISSING PETITION
FOR WRIT OF HABEAS CORPUS**

On May 1, 2017, Petitioner Fernando Caleb Ortiz German filed a petition for writ
habeas corpus pursuant to 28 U.S.C. § 2241. (ECF No. 1). He moves this Court to issue
a writ of habeas corpus to compel Respondents to appear and show cause why the

1 Petitioner should not be immediately granted a bond hearing to determine whether he
2 may be released from the custody of the United States Department of Homeland Security,
3 Immigration and Customs Enforcement (“ICE”).

4 A month later, on June 8, 2017, the Board of Immigration Appeals (“BIA”)
5 remanded Petitioner’s bond proceedings to the Immigration Judge (“IJ”) for a bond
6 hearing. (ECF No. 6-1, Ex. 1). On June 30, 2017, ICE released Petitioner from custody
7 on a \$5,000 bond. (ECF No. 6-1, Ex. 2). It does not appear that Petitioner has appealed
8 to the BIA regarding the amount of the bond.

9 Petitioner has been granted the release that he sought. Thus, his habeas petition is
10 now moot. *Abdala v. INS*, 488 F.3d 1061, 1064-65 (9th Cir. 2007) (“[A] petitioner’s
11 release from detention under an order of supervision ‘moot[ed] his challenge to the
12 legality of his extended detention.’” (citing other source)). Accordingly, the Court
13 **DISMISSES** his petition as moot.

14 **IT IS SO ORDERED.**

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16 Dated: 8/28, 2017

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19 Hon. Roger T. Benitez
20 United States District Judge
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