

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JUN LI XIAO,
ALIEN # A70-892-979,

Petitioner,

vs.

Case No. 4:09cv42-RH/WCS

ERIC H. HOLDER, JR.,
ATTORNEY GENERAL OF THE
UNITED STATES, et al.,

Respondents.

_____ /

REPORT AND RECOMMENDATION

Petitioner has filed an unopposed motion for dismissal, doc. 17. The Petitioner was returned to China on or about July 13, 2009. *Id.* Petitioner states on the record that Respondents do not oppose the motion.

Petitioner has brought this petition challenging what was alleged to be a period of indefinite detention under Zadvydas v. Davis, 533 U.S. 678 (2001). As Petitioner has been removed and, thus, released from detention, the petition is moot. The motion should be granted.

It is respectfully **RECOMMENDED** that the motion to dismiss, doc. 17, be construed as a stipulated notice of voluntary dismissal under FED. R. CIV. P. 41(a), and the § 2241 petition be **DISMISSED as moot**.

IN CHAMBERS at Tallahassee, Florida, on August 7, 2009.

s/ William C. Sherrill, Jr.
WILLIAM C. SHERRILL, JR.
UNITED STATES MAGISTRATE JUDGE

NOTICE TO THE PARTIES

A party may file specific, written objections to the proposed findings and recommendations within 15 days after being served with a copy of this report and recommendation. A party may respond to another party's objections within 10 days after being served with a copy thereof. Failure to file specific objections limits the scope of review of proposed factual findings and recommendations.