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**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

GERARDO HERNANDEZ-ALVAREZ,

NO. C09-605-RSM

Petitioner,

ORDER OF DISMISSAL

v.

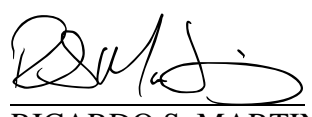
DEPARTMENT OF HOMELAND  
SECURITY and ICE Field Office  
Director,

Respondents.

The Court, having reviewed petitioner's § 2241 petition, respondents' motion to dismiss, the Report and Recommendation of the Hon. Brian A. Tsuchida, United States Magistrate Judge, and any objections or responses to that, and the remaining record, finds and Orders as follows:

- (1) The Court adopts the Report and Recommendation;
- (2) Petitioner's Petition for Writ of Habeas Corpus and Motion for Stay of Removal, Dkt. 1, is DENIED, respondents' motion to dismiss, Dkt. 13, is GRANTED, and this action is DISMISSED with prejudice;
- (3) The Clerk shall send a copy of this Order to the parties and to Judge Tsuchida.

DATED this 13 day of October, 2009.



**RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE**

ORDER OF DISMISSAL