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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

8 HUGO HERNANDEZ-CHOLALPAN,

9 Petitioner,

10 v.

11 DEPARTMENT OF HOMELAND SECURITY,

12 Respondent.

Case No. C14-496-MJP

**ORDER OF DISMISSAL**

13 The Court, after careful consideration of petitioner's habeas petition, the Report and  
14 Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, and the  
15 balance of the record, does hereby find and Order:

- 16 1. The Court adopts the Report and Recommendation.  
17 2. Respondent's motion to dismiss is **GRANTED**. Dkt. 6.  
18 3. Petitioner's petition for writ of habeas corpus is **DENIED**, Dkt. 1, and this matter is  
19 **DISMISSED** without prejudice.  
20 4. The Clerk shall send a copy of this Order to petitioner, counsel, and to Judge Tsuchida.

21 DATED this 22nd day of July, 2014.

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23 Marsha J. Pechman  
Chief United States District Judge