

**FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

<p>RAMIRO CORNEJO-BARRETO, <i>Petitioner-Appellant,</i></p> <p style="text-align:center">v.</p> <p>W. H. SIEFERT, Warden of the Metropolitan Detention Center, <i>Respondent-Appellee.</i></p>	}
--	---

No. 02-56605  
D.C. No.  
CV-01-00662-AHS  
Central District of  
California,  
Santa Ana  
ORDER

Filed November 19, 2004

Before: Mary M. Schroeder, Chief Judge, and  
J. Clifford Wallace, Harry Pregerson, Stephen Reinhardt,  
Alex Kozinski, Pamela Ann Rymer, Kim McLane Wardlaw,  
Richard A. Paez, Johnnie B. Rawlinson, Richard R. Clifton,  
and Consuelo M. Callahan, Circuit Judges.

---

**ORDER**

The government has filed an unopposed motion to dismiss the case as moot. It has also filed a motion for leave to supplement its motion papers, which we grant. We grant the motion to dismiss the appeal as moot.

Given dismissal of the appeal, the parties' stipulated request for an order releasing Cornejo-Barreto pending determination of the motion to dismiss is moot. However, as there is no longer any basis upon which to hold Cornejo-Barreto in custody, the Attorney General and the United States Marshal shall immediately release Cornejo-Barreto.

We vacate the panel opinion filed August 16, 2004 and published at 379 F.3d 1075 (9th Cir. 2004) as moot. We deny

the government's request to vacate other published opinions in this case. The judgment of the district court entered July 10, 2002, SA CV 01-00662 AHS (C.D. Cal. July 10, 2002), is vacated as moot. We remand to the district court with instructions to dismiss the action.

The mandate shall issue forthwith.



---

PRINTED FOR  
ADMINISTRATIVE OFFICE—U.S. COURTS  
BY WEST—SAN FRANCISCO

The summary, which does not constitute a part of the opinion of the court, is copyrighted  
© 2004 by West, a Thomson Company.