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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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EDGAR NAFTALI RUIZ-BARAJAS,

Petitioner,

v.

UNITED STATES MARSHAL SERVICE,

Respondent.

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

Case No. 1:16-cv-26-JNP-PMW

District Judge Jill N. Parrish

Magistrate Judge Paul M. Warner

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Before the court is Petitioner Mr. Ruiz-Barajas's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. (Dkt. 2). The court referred this matter to Magistrate Judge Paul M. Warner pursuant to 28 U.S.C. § 636(b)(1)(B).

On October 21, 2016, Judge Warner filed a Report and Recommendation. (Dkt. 5). Judge Warner's recommendation was that this case be dismissed because Petitioner's case has been rendered moot and, as such, this court lacks subject matter jurisdiction. Judge Warner's Report and Recommendation provided that any objection to his recommendation was to be filed within fourteen days of service. Although a copy of the Report and Recommendation was sent to Mr. Ruiz-Barajas, it was returned to the court as undeliverable at the address on file and no new address information is available. (Dkt. 6). Five weeks have passed since Judge Warner filed the Report and Recommendation; the time to respond has now expired and the court has received no objections.

Based on the court's *de novo* review of the record, the relevant legal authorities, and Judge Warner's Report and Recommendation, the court concludes that the Report and

Recommendation is a correct application of the law and the facts. Accordingly, the court  
ORDERS as follows:

1. The Report and Recommendation (Dkt. 5) is ADOPTED IN FULL.
2. The case is DISMISSED.
3. The Clerk of Court is directed to close the case.

SO ORDERED this 28th day of November, 2016.

BY THE COURT:



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JILL N. PARRISH  
United States District Judge