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9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 NEISSA PHILOSTENE,
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13 Petitioner,

14 v.

15 CHRISTOPHER J. LAROSE; et al.,
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17 Respondents.
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Case No.: 26-cv-2433-BJC-GC

RESPONSE TO PETITION

21 Respondents hereby move to dismiss this petition as duplicative or moot, given
22 Petitioner has a pending habeas petition before this Court asserting the same claims. *See*
23 No. 26-cv-1206-BJC-VET (S.D. Cal.). Because this second petition raises the same issues
24 that the Court will resolve in the earlier filed petition, Respondents request the Court to
25 dismiss it as duplicative or moot. *See Ramirez v. Benov*, No. 13-cv-01906 AWI MJ, 2014
26 WL 3529779, at *1 (E.D. Cal. July 15, 2014) (“[A] moot petition must be dismissed
27 because nothing remains before the Court to be remedied.”) (citing *Spencer v. Kemna*, 523
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1 U.S. 1, 18 (1998)).

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3 DATED: April 26, 2026

ADAM GORDON
United States Attorney

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s/ Erin Dimbleby

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ERIN DIMBLEBY

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Assistant United States Attorney

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