

No. 10-15714

IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

RAMIRO BUSTAMANTE,

Petitioner-Appellant,

v.

MICHAEL VALENZUELA, et al.

Respondents-Appellees.

DC# CV-09-08192-PCT-ROS

**RESPONSE TO RESPONDENTS VALENZUELA  
AND ANCHONDO'S JOINT MOTION TO DISMISS APPEAL  
FOR LACK OF JURISDICTION BASED ON MOOTNESS**

Pursuant to FRAP 27 and Ninth Circuit Rule 27-1, Petitioner-Appellant Ramiro Bustamante hereby responds to Respondents Valenzuela and Anchondo's Joint Motion to Dismiss Appeal for Lack of Jurisdiction Based on Mootness (Dkt. #12). Respondents argue that because Mr. Bustamante has completed his sentence and been released from custody, and because Mr. Bustamante's habeas petition challenges only the length of his sentence, his appeal should be dismissed on grounds of mootness. Upon review of Respondents' motion and pertinent authorities, including *North Carolina v. Rice*, 404 U.S. 244 (1971),

Mr. Bustamante, by and through undersigned counsel, agrees with Respondents' contention and does not oppose Respondents' motion.

Respectfully submitted this 21st day of October, 2010.

JON M. SANDS  
Federal Public Defender

s/Daniel L. Kaplan  
DANIEL L. KAPLAN  
*Assistant Federal Public Defender*  
KEITH J. HILZENDEGER  
*Research and Writing Specialist*

**CERTIFICATE OF FILING AND SERVICE**

I hereby certify that I caused the foregoing **Response to Respondents Valenzuela and Anchondo's Joint Motion to Dismiss Appeal for Lack of Jurisdiction Based on Mootness** to be submitted to the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit on October 21, 2010, using the appellate CM/ECF system. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

*s/Daniel L. Kaplan*  
Daniel L. Kaplan  
*Assistant Federal Public Defender*