

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**VINCENTE HERNANDEZ**

**PETITIONER**

**VS.**

**4:08CV01925 WRW/JTR**

**KARL BYRD, Sheriff,  
Faulkner County**

**RESPONDENT**

**ORDER**

Pending before the Court is a Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 (Doc. No. 1) On September 10, 2008, Petitioner filed a Motion to Dismiss this action (Doc. No. 7).

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, the Court concludes that Petitioner should be allowed to voluntarily dismiss this action, without prejudice.

IT IS THEREFORE ORDERED THAT Petitioner's Motion to Dismiss (Doc. No. 7) is GRANTED, and the Petition for a Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2241 (Doc. No. 1), is DISMISSED, WITHOUT PREJUDICE.

Dated this 24th day of September, 2008.

/s/ Wm. R. Wilson, Jr.  
UNITED STATES DISTRICT JUDGE