

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

FRANK MICHAEL JOHNSON
ADC #131361

PETITIONER

VS.

5:07CV00309 JTR

LARRY NORRIS, Director,
Arkansas Department of Correction

RESPONDENT

ORDER

Petitioner has filed a "Motion to Withdraw" his § 2254 habeas Petition. (Docket entry #20). Petitioner indicates that he wishes to voluntarily dismiss his 28 U.S.C. § 2254 habeas Petition in order to attempt to exhaust his claims in state court.

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 Withdraw (docket entry #20) is GRANTED, and the Petition for a Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2254 (docket entry #2) is DISMISSED, WITHOUT PREJUDICE.

Dated this 20th day of January 2010.


UNITED STATES MAGISTRATE JUDGE