

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

ANTONIO PIGGEE

PETITIONER

VS.

5:10CV00073 SWW- JTR

RAY HOBBS, Director,
Arkansas Department of Correction

RESPONDENT

ORDER

Pending before the Court is a Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254. (Docket entry #2). On June 22, 2010, Petitioner filed a Motion requesting leave to return to state court and exhaust his state remedies. (Docket entry #12). In substance, Petitioner is actually requesting the Court to allow him to voluntarily dismiss this action, without prejudice, so that he can exhaust his state remedies, a necessary prerequisite to pursuing a federal habeas action.

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 (docket entry #12) 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 1st day of July, 2010.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE