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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 TERRELL COOKS,) No. CV 13-811-AGR
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13) Petitioner,)
14) v.) ORDER OF DISMISSAL
15) MATTHEW CATE,)
16) Respondent.)

17 On December 5, 2013, Petitioner filed a First Amended Petition for Writ of Habeas
18 Corpus pursuant to 28 U.S.C. § 2254.

19 Respondent filed a motion to dismiss the petition on the ground that the entire petition is
20 unexhausted. Petitioner filed an opposition.

21 On January 6, 2015, this court issued an opinion and order. This court found that the
22 petition was mixed in that Ground Six was exhausted but Grounds One through Five were
23 unexhausted. The opinion and order presented Petitioner with three options.

24 On March 9, 2015, Petitioner filed a Notice of Dismissal to dismiss the petition without
25 prejudice pursuant to Fed. R. Civ. P. 41(a)(1). (Dkt. No. 45.) This court again cautions
26 Petitioner that any future federal habeas petition will be subject to the one-year statute of
27 limitations in 28 U.S.C. § 2244(d)(1). The one-year period starts running on the latest of
28 either the date when a conviction became final under 28 U.S.C. § 2244(d)(1)(A) or on a

1 date set in § 2244(d)(1)(B)-(D). This court expresses no view as to whether a future habeas
2 petition will be timely.

3 Pursuant to Petitioner's Notice of Dismissal,

4 IT IS HEREBY ORDERED that judgment be entered dismissing the First Amended
5 Petition without prejudice.

6 IT IS FURTHER ORDERED that Respondent's motion to dismiss the petition is denied
7 as moot.

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9 DATED: March 11, 2015



ALICIA G. ROSENBERG
United States Magistrate Judge

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