

1 of counsel,” ground one in the petition, is hereby DISMISSED.

2 With claim one withdrawn, the petition for writ of habeas corpus no longer contains any
3 unexhausted claims. Respondent’s motion to dismiss is hereby DENIED.

4 ORDER

5 Accordingly the Court ORDERS that:

- 6 1. Petitioner’s motion to withdraw the unexhausted claim is GRANTED;
7 2. Ground one of the petition for writ of habeas corpus is DISMISSED;
8 3. Respondent’s motion to dismiss is DENIED;
9 4. Respondent SHALL FILE and ANSWER within thirty (30) days of service of this order.¹

10
11
12 IT IS SO ORDERED.

13 **Dated: August 24, 2009**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

14
15
16
17
18
19
20
21
22
23
24
25
26
27

28 ¹ Both parties should refer to the order directing Respondent to file a response for further instructions regarding filing an answer and traverse. (Doc. #11).