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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ROBERT COMITO,)	1:08-CV-01437 JMD HC
)	
Petitioner,)	ORDER GRANTING PETITIONER’S
)	REQUEST TO VOLUNTARILY DISMISS
v.)	PETITION
)	
)	
FEDERAL BUREAU OF PRISONS, et al.,)	
)	
Respondents.)	

Petitioner is a federal prisoner proceeding pro se with a petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2241.

On December 29, 2008, Petitioner filed a motion to voluntary dismiss the habeas corpus petition without prejudice. (Doc. 13). At this juncture, this action may not be dismissed by Petitioner without order of the court. Fed.R.Civ.P. 41(a)(1). In accordance with Petitioner’s request for dismissal and no objection having been filed by Respondent, the Court deems it proper to order this action dismissed. Fed.R.Civ. P. 41(a)(2).

Pursuant to Federal Rule of Civil Procedure 41(a)(2), this action is hereby dismissed without prejudice.

IT IS SO ORDERED.

Dated: January 30, 2009

/s/ John M. Dixon
UNITED STATES MAGISTRATE JUDGE