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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERT COMITO,)	1:08-CV-01437 JMD HC
)	
Petitioner,)	ORDER DENYING PETITIONER’S REQUEST
)	TO REOPEN CASE
v.)	
)	
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. (Court Doc. 13.) Pursuant to Federal Rule of Civil Procedure 41(a)(1), the Court dismissed Petitioner’s case without prejudice on January 30, 2009. (Court Doc. 16.)

On February 1, 2010, Petitioner filed a motion to reopen his case, claiming a continued violation of his participation in the Residential Drug Abuse Program. (Court Doc. 17.)

Petitioner’s motion reveals that he has been transferred to the Federal Prison Camp in Talladega, Alabama. In light of this fact and the time that has passed (almost a year and a half) since Petitioner voluntarily dismissed the case, the Court is disinclined to reopen the case. As Petitioner’s case was dismissed without prejudice, the Court finds that the better remedy is for Petitioner to file a new habeas petition in the district where he is currently incarcerated.

