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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
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9 LEWIS J. SATTERFIELD,) 1:10-CV-01497 LJO GSA HC
10)
11) Petitioner,)
12) ORDER GRANTING MOTION TO DISMISS
13)
14) v.)
15) [Doc. #4]
16)
17) JAMES D. HARTLEY, Warden,)
18)
19) Respondent.)
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30 Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus
31 pursuant to 28 U.S.C. § 2254.

32 Petitioner filed the instant petition on August 19, 2010. On August 30, 2010, he filed a
33 motion to dismiss the petition. He states the petition was erroneously filed in this Court. Pursuant to
34 Rule 41(a)(1) of the Federal Rules of Civil Procedure, an action may be dismissed by the petitioner
35 without order of court by filing a notice of dismissal at any time before the opposing party serves
36 either an answer or a motion for summary judgment. At this time, Respondent has not filed a formal
37 answer to the petition for writ of habeas corpus.

38 Accordingly, IT IS HEREBY ORDERED that the petition is DISMISSED without prejudice.
39 The Clerk of Court is DIRECTED to enter judgment and close the case.

40 IT IS SO ORDERED.

41 Dated: September 7, 2010

42 /s/ Lawrence J. O'Neill
43 UNITED STATES DISTRICT JUDGE