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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

JAMES FAGONE,

1:10-cv-02045-SMS (HC)

Petitioner,

ORDER DIRECTING PETITIONER'S  
COUNSEL TO FILE RESPONSE TO  
PETITIONER'S NOTICE OF VOLUNTARY  
DISMISSAL

v.

LELAND McEWAN,

[Doc. 9]

Respondent.

Petitioner is a state prisoner proceeding with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner is represented by Charles Francis Carbone, Esq.

On November 22, 2010, the Court directed Respondent to file a response to the petition. On December 28, 2010, Petitioner filed a notice of voluntary dismissal with the Court. Both Respondent's counsel and Petitioner's counsel, Mr. Carbone, were served with a copy of the notice.

Because Petitioner is currently represented by Mr. Carbone, filings by Petitioner himself are prohibited. However, given that Petitioner has requested to dismiss the action and terminate his counsel, the Court finds that Petitioner's counsel should file a response. The Court hereby directs Petitioner's counsel, Mr. Carbone, to file a response to Petitioner's notice of voluntary dismissal, within ten (10) days from the date of service of this order.

IT IS SO ORDERED.

**Dated:** January 26, 2011

/s/ Sandra M. Snyder  
UNITED STATES MAGISTRATE JUDGE