

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES LAWRENCE LIGHT, JR.,)	1:11-CV-01232 AWI GSA (HC)
)	
Petitioner,)	ORDER GRANTING MOTION TO DISMISS
)	[Doc. #5]
v.)	
)	ORDER DIRECTING CLERK OF COURT
)	TO ENTER JUDGMENT AND CLOSE CASE
H. A. RIOS, JR.,)	
)	
Respondent.)	ORDER DECLINING ISSUANCE OF
)	CERTIFICATE OF APPEALABILITY

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

On July 26, 2011, Petitioner filed his habeas petition in this Court. Shortly thereafter, on August 10, 2011, he filed a motion to strike and withdraw his petition. Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, a petitioner may dismiss an action without an order from the Court by filing a notice of dismissal before the respondent files an answer or motion for dismissal. Pursuant to Rule 12 of the Rules Governing Section 2254 Cases, the "Federal Rules of Civil Procedure, to the extent that they are not inconsistent with any statutory provisions or these rules, may be applied to a proceeding under these rules." At this time, Respondent has not filed an answer to the petition for writ of habeas corpus. Pursuant to Rule 41(a)(1), this case has terminated.

Accordingly, IT IS HEREBY ORDERED that Clerk shall CLOSE this case in light of Petitioner's motion to strike, which the Court construes as a Rule 41(a)(1) voluntary dismissal. IT IS SO ORDERED.

Dated: August 16, 2011



CHIEF UNITED STATES DISTRICT JUDGE