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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JAMES L. LIGHT, JR.,	)	1:11-cv-01274-MJS HC
Petitioner,	)	
v.	)	ORDER GRANTING PETITIONER'S MOTION TO VOLUNTARILY DISMISS PETITION
HECTOR A. RIOS, JR.,	)	[Doc. 8]
Respondent.	)	

\_\_\_\_ Petitioner is a federal prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Pursuant to 28 U.S.C. § 636(c)(1), Petitioner has consented to the jurisdiction of the United States Magistrate Judge. Local Rule 305(b).

Petitioner filed the instant petition on August 1, 2011. (Pet., ECF No. 1.) On September 26, 2011, prior to the case being screened by the Court pursuant to Rule 4 of the Rules Governing Section 2254 Cases<sup>1</sup>, Petitioner filed a motion to withdraw the petition for writ of

<sup>1</sup>The Rules Governing Section 2254 Cases may be applied to petitions for writ of habeas corpus other than those brought under § 2254 at the Court's discretion. See, Rule 1(b) of the Rules Governing Section 2254 Cases. Civil Rule 81(a)(4) provides that the rules "apply to proceedings for habeas corpus . . . to the extent that the practice in such proceedings is not specified in a federal statute, the Rules Governing Section 2254 Cases, or the Rules Governing 2255 Cases; and has previously conformed to the practice in civil actions." Fed. R. Civ. P. 81(a)(4).

1 habeas corpus. (Mot., ECF No. 8.)

2 The federal courts have a duty to construe pro se pleadings liberally. Hamilton v. United  
3 States, 67 F.3d 761, 764 (9th Cir.1995) (citing Hughes v. Rowe, 449 U.S. 5, 9 (1980)  
4 (quotation omitted)). Consistent with such duty, the Court will construe Petitioner's motion to  
5 withdraw as a motion pursuant to Federal Rules of Civil Procedure 41(a)(1) to voluntarily  
6 dismiss the action without prejudice. (See Rule 12, Rules Governing Section 2254 Cases,  
7 "The Federal Rules of Civil Procedure, to the extent that they are not inconsistent with any  
8 statutory provisions or these rules, may be applied to a proceeding under these rules.")

9 Accordingly, good cause having been presented to the Court, IT IS HEREBY  
10 ORDERED that the petition is DISMISSED without prejudice. The Clerk of Court is DIRECTED  
11 to enter judgment and close the case.

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15 IT IS SO ORDERED.

16 Dated: September 28, 2011

*1s/ Michael J. Seng*  
UNITED STATES MAGISTRATE JUDGE

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