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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANDREW MANCILLA,

Petitioner,

v.

W.L. MUNIZ,

Respondent.

1:14-cv-00935-AWI-GSA-HC

ORDER REGARDING PETITIONER’S
MOTION TO WITHDRAW
UNEXHAUSTED CLAIMS (ECF No. 24)

Petitioner is a state prisoner proceeding pro se in a habeas corpus action pursuant to 28 U.S.C. § 2254.

On December 3, 2014, Respondent filed a motion to dismiss the petition because the petition is a mixed petition. On February 13, 2015, the undersigned issued a Findings and Recommendation that recommended that Respondent’s motion to dismiss be granted and the petition for writ of habeas corpus be dismissed without prejudice. In the Findings and Recommendation, Petitioner was given the option of moving to withdraw the unexhausted claims within thirty (30) days of the date of service of this Findings and Recommendation. On February 25, 2015, Petitioner submitted a motion to withdraw the unexhausted claims. The Court notes that Petitioner states in his motion to withdraw the unexhausted claims that, “claim 4 is to be withdrawn from this habeas corpus upon dated received as this so is in compliance to 28 U.S.C. 2254(b)(1) just as the Magistrate requested.” However, in the Findings and

