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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

**JOHN RAY DYNES,**  
  
Petitioner,  
  
v.  
  
**FRESNO SUPERIOR COURT,**  
  
Respondent.

Case No. 1:14-cv-01796 MJS (HC)  
**ORDER GRANTING PETITIONER'S  
MOTION TO VOLUNTARILY DISMISS  
PETITION**  
**ORDER GRANTING MOTION TO RETURN  
COURT FILE**  
**[Docs. 8-9]**

Petitioner is a state prisoner proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On December 4, 2014, Petitioner filed a motion for the return of his court file. (ECF No. 8.) On December 8, 2014, Petitioner filed a motion to withdraw his petition for writ of habeas corpus. (Mot., ECF No. 9.)

Pursuant to Fed. Rule of Civ. Proc. 41(a)(1), Petitioner may voluntarily dismiss the action without prejudice without a court order if dismissal is requested before the opposing party answers. (See Rule 12, 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.")

Respondent has yet to file an answer in this matter.

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Accordingly, good cause having been presented to the Court, IT IS HEREBY ORDERED that the petition is DISMISSED without prejudice. The Court further directs the Clerk of Court to serve Petitioner with a copy of the petition filed with this Court on November 17, 2014. (Doc. 1.)

IT IS SO ORDERED.

Dated: December 11, 2014

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE