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

JOSEPH B. ROSALES,

Petitioner,

No. CIV S-05-0424 LKK EFB P

vs.

C. M. HARRISON,

Respondent.

ORDER

Respondent has provided evidence that the petitioner in this action died on July 23, 2008, and has lodged a proposed order dismissing this case. The court will construe respondent's notice and order as a motion to dismiss this action.

Accordingly, good cause appearing, IT IS HEREBY ORDERED that this action is dismissed with prejudice pursuant to Fed. R. Civ. P. 41(b) and Rule 12, Rules Governing Section 2254 Cases.

DATED: November 22, 2010.


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT