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

RICHARD L. ALLEY,

Petitioner,

No. CIV S-05-1660 FCD DAD P

vs.

TOM L. CAREY, et al.,

Respondents.

ORDER

_____ /
In response to an order to show cause filed August 22, 2005, petitioner has informed the court that his state habeas petition was mailed to the federal district court in error.

Good cause appearing, IT IS HEREBY ORDERED that:

1. Petitioner's August 29, 2005 request for voluntary dismissal is granted; and
2. This action is dismissed without prejudice as having been commenced in error.

DATED: August 31, 2005.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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