

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 DARIN ANTHONY PALERMO,

11 Petitioner,

No. CIV S-05-2039 JAM EFB P

12 vs.

13 TERESA A. SCHWARTZ,

14 Respondent.

ORDER

15 _____/
16 Petitioner is a state prisoner proceeding through counsel seeking a writ of habeas corpus.
17 *See* 28 U.S.C. § 2254. Petitioner has notified the Clerk of the Court of his intent to voluntarily
18 dismiss this action on the ground that it is moot and the court lacks jurisdiction because
19 petitioner has been released from state prison and is no longer in custody pursuant to a state
20 court judgment. Dckt. No. 38. Respondent has filed a statement of non-opposition. Dckt. No.
21 39.

22 An action may be dismissed “by filing a stipulation of dismissal signed by all parties who
23 have appeared.” Fed. R. Civ. P. 41(a)(1)(A)(ii); *see also* Rule 12, Rules Governing
24 § 2254 Cases. The court finds the parties’ filings constitute that stipulation and the Clerk is
25 directed to close the case.

26 DATED: June 29, 2010.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE