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

MICHAEL LEE McKELLY,

Petitioner,

No. CIV S-05-2377 MCE DAD P

vs.

WARDEN, DEPARTMENT OF
CORRECTIONS, et al.,

Respondents.

ORDER

_____/

Petitioner, a state prisoner proceeding pro se, has requested that this action be dismissed. Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and Rule 11 of the Rules Governing Habeas Corpus Cases Under § 2254, IT IS ORDERED that:

1. Petitioner's February 3, 2006 motion to dismiss is granted; and
2. This action is dismissed.

DATED: February 13, 2006.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE