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

KULDIP S. KLER,

No. CIV S-06-1919-FCD-CMK-P

Petitioner,

vs.

ORDER

BOARD OF PRISON TERMS,
et al.,

Respondents.

_____ /

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging the denial of parole in 2005. The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On August 21, 2009, the Magistrate Judge filed findings and recommendations herein which were served on the parties and which contained notice that the parties may file objections within a specified time. Petitioner responded to the findings and recommendations by filing a document entitled “Objections to Magistrate Judge’s Findings and Recommendations” in which he states that the California Court of Appeal granted habeas relief with respect to

1 petitioner's challenge of the denial of parole in 2007. A new parole suitability hearing has been
2 set for September 18, 2009. Petitioner asks the court to "drop his habeas corpus writ." The
3 court construes petitioner's filing as a request for voluntary dismissal of this action and, so
4 construed, the request will be granted. See Fed. R. Civ. P. 41(a)(2).

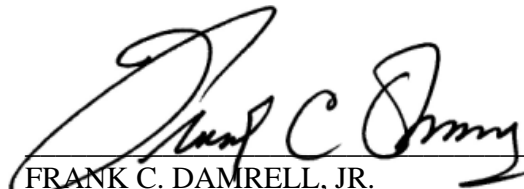
5 Accordingly, IT IS HEREBY ORDERED that:

6 1. Petitioner's document entitled "Objections to Magistrate Judge's Findings
7 and Recommendations" (Doc. 24) is construed as a request for voluntary dismissal and, so
8 construed, the request is granted;

9 2. Respondents' request to stay these proceedings is denied as unnecessary;
10 and

11 3. The Clerk of the Court is directed to enter judgment of dismissal and close
12 this file.

13 DATED: September 16, 2009.

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15 
16 FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE