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

TOMMY RAY BROWN,

Petitioner,

No. CIV S-07-1145 LKK GGH P

vs.

JAMES TILTON, et al.,

Respondents.

ORDER

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Petitioner, a state prisoner proceeding pro se with this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, has requested this action be dismissed.

Accordingly, IT IS HEREBY ORDERED that the respondent shall notify this court, within five days, whether he has any objection to the dismissal of this action.

Respondent's motion to dismiss of May 30, 2008, Doc. #16, of No. CIV S-07-1145 LKK GGH, will be vacated.

DATED: January 30, 2009

/s/ Gregory G. Hollows

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GREGORY G. HOLLOWS  
UNITED STATES MAGISTRATE JUDGE

GGH:mp; brow1145.159a