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

10 EUGENE KINCAIDE,

11 Petitioner,

No. CIV S-07-2410 WBS KJM P

12 vs.

13 SUE HUBBARD, Warden,

14 Respondent.

ORDER

15 \_\_\_\_\_/  
16 Petitioner, a state prisoner proceeding with counsel, has joined counsel in  
17 requesting that this action be dismissed. Pursuant to Fed. R. Civ. P. 41(a), this request shall be  
18 honored.

19 Accordingly, IT IS HEREBY ORDERED that this action is dismissed.

20 DATED: January 21, 2009.

21   
22 U.S. MAGISTRATE JUDGE  
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