

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

EUGENE KINCAIDE,

Petitioner,

No. CIV S-07-2410 WBS KJM F

VS.

SUE HUBBARD, Warden,

### Respondent.

## ORDER

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

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

DATED: January 21, 2009.

  
U.S. MAGISTRATE JUDGE