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

DOCK MCNEELY,

Petitioner,

No. CIV S-09-2520 WBS GGH P

vs.

S. M. SALINAS,

Warden,

ORDER

\_\_\_\_\_ /

Petitioner, a state prisoner proceeding pro se on this habeas petition under 28 U.S.C. § 2254, has requested that this action be dismissed.

Accordingly, IT IS HEREBY ORDERED that respondent notify this court, within seven (7) days, whether respondent has any objection to the dismissal of this action. Should respondent fail to respond, petitioner's request will be granted pursuant to Fed. R. Civ. P. 41(a)(2).

DATED: May 27, 2010

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

GGH:009  
mcne2520.59a