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

MATTHEW ROBERT SMITH,

Petitioner,

No. CIV S-10-0070 WBS DAD P

vs.

PEOPLE OF CALIFORNIA, et al.,

Respondents.

ORDER

\_\_\_\_\_ /

Petitioner is a state prisoner proceeding pro se with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On April 22, 2010, the court issued findings and recommendations, recommending that this action be dismissed without prejudice for failure to file an amended petition. On May 12, 2010, petitioner moved to voluntarily dismiss this action. Respondents have not filed any objections. The court will therefore honor petitioner’s request for voluntary dismissal. See Fed. R. Civ. P. 41(a).

Accordingly, IT IS HEREBY ORDERED that:

- 1. The court’s April 22, 2010 findings and recommendations (Doc. No. 9) are vacated; and

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1                   2. Petitioner's May 12, 2010 motion to voluntarily dismiss this action without  
2 prejudice (Doc. No. 10) is granted.

3 DATED: May 27, 2010.

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7 DALE A. DROZD  
8 UNITED STATES MAGISTRATE JUDGE

6 DAD:sj  
7 smit0070.159a(2)

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