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

MICHAEL BRODHEIM,

No. CIV S-10-0272-KJM-CMK-P

Petitioner,

vs.

ORDER

KATHLEEN DICKENSON,

Respondent.

_____ /

Petitioner, a state prisoner proceeding with counsel, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging a 2007 denial of parole. Pending before the court is petitioner’s status report (Doc. 21).

On November 10, 2010, the court granted petitioner’s unopposed request to vacate the deadline for filing the traverse, and ordering a joint status report to be filed within 75 days. This request and order was based on the proceedings in a separate action wherein petitioner is challenging the 2003 denial of parole. His petition in the separate action was granted, and it was therefore appropriate to wait for the remedy in that case to be resolved before proceeding in this action. In the interim, the United States Supreme Court issued the opinion in Swarthout v. Cooke, 562 U.S. ___, 2011 WL 197627 (Jan. 24, 2011) (per curiam).

1 Petitioner has filed his status report as required, indicating therein no objection to
2 the summary dismissal of his petition filed in this action. The court will therefore construe the
3 status report as a notice of voluntary dismissal. Good cause appearing therefor, this action is
4 dismissed. See Fed. R. Civ. P. 41(a)(2). The Clerk of the Court is directed to close this file.

5 IT IS SO ORDERED.

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7 DATED: February 2, 2011

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9 **CRAIG M. KELLISON**
10 UNITED STATES MAGISTRATE JUDGE
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