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

10 MELVIN YU

11 Petitioner,

No. 2:11-cv-0110 JAM CKD

12 vs.

13 GARY SWARTHOUT

14 Respondent.

ORDER

15 _____/
16 Petitioner, a state prisoner, filed an application for writ of habeas corpus pursuant
17 to 28 U.S.C. § 2254. On October 8, 2012, respondent filed a motion to dismiss that, if granted,
18 would be dispositive as to all of petitioner's claims. In response to the court's order of
19 November 28, 2012, petitioner, through counsel, expresses no opposition to respondent's motion
20 to dismiss.

21 In accordance with the above, IT IS HEREBY ORDERED THAT:

- 22 1. Respondent's motion to dismiss (Dkt. No. 22) is GRANTED;
23 2. The clerk is directed to close this case; and

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1 3. The court declines to issue a certificate of appealability as referenced in 28
2 U.S.C. § 2253.

3 Dated: December 18, 2012

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5 CAROLYN K. DELANEY
6 UNITED STATES MAGISTRATE JUDGE

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