


1 Accordingly, IT IS HEREBY ORDERED this action is dismissed without
2 prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b). The court declines to issue the certificate
3 of appealability referenced in 28 U.S.C. § 2253.

4 DATED: May 24, 2011

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6 
7 KENDALL J. NEWMAN
8 UNITED STATES MAGISTRATE JUDGE

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