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

RUDY GRANT KIRBY,

Petitioner,

No. CIV S-11-0962 KJM DAD P

vs.

GREG LEWIS, Warden,

Respondent.

ORDER

_____/

Petitioner, a state prisoner proceeding pro se with this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, has requested this action be dismissed without prejudice.

Accordingly, IT IS HEREBY ORDERED that respondent shall notify this court, within ten days, of any objection to the voluntary dismissal of this action. Should respondent fail to respond, petitioner's request will be granted pursuant to Fed. R. Civ. P. 41(a). See Rule 11, Rules Governing Habeas Corpus Cases Under Section 2254.

DATED: November 2, 2011.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

DAD:md
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