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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, has requested that this action be dismissed. Respondent does not oppose petitioner's request.

Accordingly, IT IS HEREBY ORDERED that this action is dismissed without prejudice. Fed. R. Civ. P. 41(a); see also Rule 11, Rules Governing Habeas Corpus Cases Under Section 2254.

DATED: November 22, 2011.

  
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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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