

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

ANTHONY JAMES WILLIAMS,

Petitioner,

No. 2:11-cv-1674 KJM KJN P

vs.

DVI-WARDEN,

Respondent.

ORDER

On August 16, 2011, this court recommended that this action be dismissed without prejudice based on petitioner's failure to respond to the court's order directing petitioner to file an application to proceed in forma pauperis, or pay the filing fee, or request the voluntary dismissal of this action without prejudice.<sup>1</sup> (Dkt. No. 8.) On August 25, 2011, petitioner requested that this action be dismissed without prejudice. 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: October 18, 2011

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

will1674.159

<sup>1</sup> The court also advised petitioner that he must exhaust state court remedies prior to filing a federal petition, and cautioned him that the habeas corpus statute imposes a one-year statute of limitations period. (Dkt. No. 8 at 1, n.1.)