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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID EDWARD FULLMORE,
Petitioner,
v.
McDONALD,
Respondent.

No. 2:14-cv-0614-EFB P

ORDER

Petitioner is a state prisoner proceeding without counsel seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. In light of respondent’s July 2, 2014 answer to petitioner’s application for a writ of habeas corpus (ECF No. 12), this matter stands submitted for decision.

In a “motion for remand,” filed June 16, 2014, petitioner states that “[b]y error, he filed in this court,” and requests that these proceedings be remanded to the state courts. ECF No. 11. Petitioner’s request is denied. Because this action was not removed from state court in the first instance, it cannot be remanded to state court. *See* 28 U.S.C. § 1447(c). If, however, petitioner wishes to abandon this action, he may file a notice of voluntary dismissal in accordance with Rule 41(a)(1) of the Federal Rules of Civil Procedure.

So ordered.

DATED: August 12, 2014.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE