

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALBERT MOUSA,

No. 2:14-cv-1474 WBS AC P

Petitioner,

## ORDER

PEOPLE OF THE STATE OF  
CALIFORNIA, et al.,

## Respondent.

On March 20, 2015, in response to respondent's motion to dismiss, petitioner filed a "Notice of Motion to Voluntarily Dismiss Without Prejudice" this habeas corpus action filed pursuant to 28 U.S.C. § 2254. See ECF No. 26. Petitioner noted his intention to exhaust his "administrative" remedies before refiling his petition.

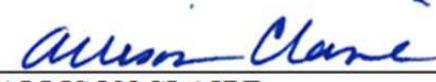
On March 25, 2015, in an abundance of caution, this court informed petitioner of the requirement to exhaust state judicial remedies before commencing a federal habeas action, and of the potential consequences for dismissing this action at this time. See ECF No. 27. The court noted that “[d]ue to petitioner’s possible confusion concerning the requirement that he exhaust his claims before coming to this court, he will be given an opportunity to reassess his request before obtaining dismissal of this action.” Id. at 2. Petitioner was accorded 21 days within which file and serve a statement confirming his request for voluntary dismissal or an opposition to

1 respondent's motion to dismiss; the court noted that "[f]ailure to timely respond to this order will  
2 be construed as confirmation of petitioner's request to voluntarily dismiss this action without  
3 prejudice." Id.

4 The deadline for responding to the court's order has expired and petitioner has not  
5 responded.<sup>1</sup>

6 Accordingly IT IS HEREBY ORDERED that this action is voluntarily dismissed without  
7 prejudice. See Fed. R. Civ. P. 41(a)(2).

8 DATED: April 27, 2015

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10 ALLISON CLAIRE  
11 UNITED STATES MAGISTRATE JUDGE

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24<sup>1</sup> Plaintiff, who remains incarcerated at California State Prison Solano, was timely served with  
25 the court's March 25, 2015 order. See Docket Entry following entry of court's March 25, 2015  
26 order. See also <http://inmatelocator.cdcr.ca.gov/> (Inmate Locator website operated by the  
27 California Department of Corrections and Rehabilitation). This Court may take judicial notice of  
28 facts that are capable of accurate determination by sources whose accuracy cannot reasonably be  
questioned. Fed. R. Evid. 201; see also City of Sausalito v. O'Neill, 386 F.3d 1186, 1224 n.2 (9th  
Cir. 2004) ("We may take judicial notice of a record of a state agency not subject to reasonable  
dispute.").