

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
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFEREY W. ALFIERI,
Petitioner,
v.
MR. COLLINS, Warden,
Respondent.

No. 2:16-cv-02668 MCE AC P

ORDER

Petitioner is a federal prisoner proceeding pro se with a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241. See ECF No. 1. On July 23, 2017, respondent filed and served a motion to dismiss this action for lack of jurisdiction. See ECF No. 20. The court accorded petitioner extended time to file an opposition or statement of opposition to the motion. See ECF Nos. 21, 22. The court informed petitioner that “[f]ailure to file an opposition will be construed as petitioner’s consent to have this action dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b).” See ECF No. 21 at 2. Petitioner now requests that this action be dismissed. See ECF No. 24.

///
///
///

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
27
28

Accordingly, IT IS HEREBY ORDERED that:

1. This action is dismissed without prejudice pursuant to Rule 41(b), Federal Rules of Civil Procedure; and
2. The Clerk of Court is directed to close this case.

DATED: November 8, 2017



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE