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

SHANNON L. GUILLORY,)	
)	
Petitioner,)	No. C 07-5090 CRB (PR)
)	
vs.)	ORDER OF DISMISSAL
)	
TINA HORNBECK, Warden,)	
)	
Respondent.)	
)	

Per order filed on February 2, 2009, the court granted respondent's motion to dismiss on the ground that petitioner did not exhaust state judicial remedies as to three of her four claims for federal habeas relief. Pursuant to the law of the circuit, the court asked petitioner to inform the court in writing whether she wished to (1) withdraw her unexhausted claims and proceed only on her exhausted claim, or (2) dismiss the entire mixed petition and return to federal court with a new petition once all claims are exhausted.¹

¹The court also advised petitioner that she may be able to seek a stay of these proceedings if she can show that there was good cause for her failure to exhaust her unexhausted claims in state court, and that the claims are potentially meritorious. See Rhines v. Webber, 544 U.S. 269, 277 (2005).

1 Petitioner has responded that she "would like to dismiss the entire mixed
2 petition and return to federal court, without prejudice, with a new petition once
3 all claims in the state court are exhausted." Doc # 15 at 1.

4 Pursuant to petitioner's request, the petition for a writ of habeas corpus is
5 DISMISSED without prejudice to petitioner filing a new petition in federal court
6 once all claims are exhausted in the state courts.

7 The clerk shall enter judgment in accordance with this order and close the
8 file.

9 SO ORDERED.

10 DATED: 03/20/09



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12 CHARLES R. BREYER
13 United States District Judge
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