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

CHRISTOPHER JOHNSON,
Petitioner,

No. C 07-5766 WHA (PR)

ORDER OF DISMISSAL

vs.

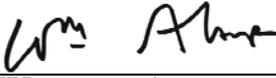
Warden EVANS,
Respondent.

_____ /

This is a habeas case filed pro se by a state prisoner. In the petition, petitioner conceded that issues five and six were not exhausted. He was ordered to show cause why the petition should not be dismissed as mixed. His response was not sufficient to establish that the issues were exhausted, so the petition was dismissed with leave to amend to chose from three possible courses of action: dismissing the petition, amending to delete the unexhausted issues and proceeding with those that were exhausted, or asking for a stay. He was ordered to make the election within thirty days, but has not done so. This case therefore is **DISMISSED** without prejudice. The clerk shall close the file.

IT IS SO ORDERED.

Dated: October 30, 2008.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

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