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5 UNITED STATES DISTRICT COURT  
6 NORTHERN DISTRICT OF CALIFORNIA  
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8 JEREMIAH JOHNSON,  
9 Petitioner,

No. C 07-6510 MHP (pr)

**ORDER OF DISMISSAL**

10 v.

11 JAMES TILTON,  
12 Respondent.  
13 \_\_\_\_\_/

14 On August 1, 2008, the court found that the petition for writ of habeas corpus stated  
15 only one claim for relief, i.e., that petitioner's right to due process was violated because  
16 petitioner was not informed of a mandatory parole term, and ordered respondent to show  
17 cause why the petition should not be granted on that one claim. Thereafter, petitioner sent a  
18 letter to the court withdrawing the claim because he had learned (after filing the petition) that  
19 he had been informed of the parole term. Later still, respondent moved to dismiss on the  
20 ground that petitioner had withdrawn the only claim found cognizable. Petitioner did not  
21 oppose the motion to dismiss. Accordingly, the motion to dismiss is GRANTED. (Docket #  
22 8.) This action is DISMISSED because petitioner has conceded that there is no factual basis  
23 for his due process claim. The clerk shall close the file.

24 IT IS SO ORDERED.

25 DATED: December 18, 2008

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Marilyn Hall Patel  
United States District Judge  
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