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

SAMUEL ALLEN DUBYAK,  
Petitioner,  
vs.  
BEN CURRY, Warden,  
Respondent.

No. C 08-0667 JSW (PR)

**ORDER GRANTING  
PETITIONER'S MOTION FOR  
VOLUNTARY DISMISSAL**

(Docket Nos. 6, 7)

Petitioner, a prisoner of the State of California currently incarcerated at Correctional Training Facility in Soledad, California, filed this habeas corpus petition pursuant to 28 U.S.C. § 2254 challenging the decision by the California Board of Parole Hearings to deny Petitioner parole. On August 21, 2008, Respondent moved to dismiss the petition as unexhausted (docket no. 6). In response, Petitioner moved to withdraw the petition to exhaust his claims (docket no. 7). Petitioner's request is GRANTED and this petition is hereby VOLUNTARY DISMISSED without prejudice. This terminates all pending motions (docket nos. 6, 7).

IT IS SO ORDERED.

DATED: December 4, 2008

  
\_\_\_\_\_  
JEFFREY S. WHITE  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA  
4

5 SAMUEL ALLEN DUBYAK,  
6  
7 Plaintiff,

Case Number: CV08-00667 JSW

**CERTIFICATE OF SERVICE**

8 v.

9 BEN CURRY et al,  
10 Defendant.  
\_\_\_\_\_ /

11 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
12 Court, Northern District of California.

13 That on December 4, 2008, I SERVED a true and correct copy(ies) of the attached, by placing  
14 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
15 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office  
16 delivery receptacle located in the Clerk's office.

17 Samuel Allen Dubyak  
18 CTF-Central  
19 D54700  
20 P.O. Box 689  
21 Soledad, CA 93960-0689

22 Dated: December 4, 2008

  
Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk