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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EMMETT M. OLIVER,
Petitioner,

No. C 08-3567 SI (pr)

JUDGMENT

v.


SAN FRANCISCO SHERIFF'S
DEPARTMENT; et al.,
Respondents.

_____ /

This action is dismissed without prejudice to petitioner filing a new habeas petition, but not unless he is convicted and has first exhausted state court remedies.

IT IS SO ORDERED AND ADJUDGED.

DATED: October 28, 2008



SUSAN ILLSTON
United States District Judge

United States District Court
For the Northern District of California