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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARK D. BESWETHERICK,  
Petitioner,

No. C 09-5425 SI (pr)

**ORDER OF DISMISSAL**

v.

J. HAVILAND, warden,  
Respondent.

\_\_\_\_\_/

Petitioner has filed a "motion to withdraw writ of habeas corpus" in which he indicates that he wants to "abandon" his habeas petition without prejudice. Respondent has not yet filed a response to the petition. The court construes the motion to be a request for a voluntary dismissal, see Fed. R. Civ. P. 41(a), and GRANTS it. (Docket # 7.) This action is dismissed without prejudice. Petitioner is cautioned that if he wishes to commence another federal habeas action, he must act swiftly because there is a one-year statute of limitations, 28 U.S.C. § 2244(d), for the filing of federal habeas petitions.

IT IS SO ORDERED.

DATED: September 1, 2010

  
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SUSAN ILLSTON  
United States District Judge

United States District Court  
For the Northern District of California