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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CHARLES R. BENTON,  
Petitioner,

No. C 09-5458 MHP (pr)

**ORDER OF DISMISSAL**

v.


CITY AND COUNTY OF  
SAN FRANCISCO,  
Respondent.

\_\_\_\_\_ /

The petition for writ of habeas corpus in this action was dismissed for failure to state a claim upon which relief may be granted. Specifically, petitioner had not alleged any violation of his rights under the constitution, treaties or laws of the United States. Petitioner was given leave to file an amended petition, but failed to do so and the deadline by which to do so has passed. Accordingly, this action is dismissed for failure to state a claim upon which relief may be granted. The clerk shall close the file.

IT IS SO ORDERED.

Dated: April 15, 2010

  
\_\_\_\_\_  
Marilyn Hall Patel  
United States District Judge

United States District Court  
For the Northern District of California