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

DANIEL RICHARDS,

Petitioner,

v.

A. NOLL, Warden,

Respondent.

No. C 10-3007 WHA (PR)

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

(Docket No. 5)

Petitioner, a California prisoner, filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. 2254. Respondent filed a motion to dismiss on the grounds that the petition failed to state a cognizable claim for relief. As the court had already found otherwise, respondent's motion was denied, and respondent was again ordered to show cause why the petition should not be granted.

On the same day that the order denying respondent's motion was entered, plaintiff filed a "statement of non-opposition" to respondent's motion to dismiss. For the reasons discussed in the order denying the motion, the motion must be denied whether or not petitioner opposes it because it has no merit. However, in his statement of non-opposition, petitioner also requests on his "own motion." to "set aside and or dismiss" the present action and "any and all other matters pending" in this court. Good cause appearing, petitioner's request to voluntarily dismiss this action (docket number 5) is **GRANTED**, and this case is **DISMISSED** pursuant to Rule

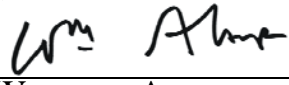
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41 of the Federal Rules of Civil Procedure. A review of the court's records reveals that petitioner has no pending cases other than the instant case.

The Clerk shall enter judgment and close the file.

**IT IS SO ORDERED.**

Dated: December 14, 2010.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

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