

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FREDERICK BERNARD SAVANNAH,
Petitioner,

No. C-11-3634 EMC (pr)

v.

ORDER OF DISMISSAL

PEOPLE OF THE STATE OF CALIFORNIA,
Respondent.

(Docket No. 7)

Frederick Bernard Savannah, a prisoner at the Calipatria State Prison, filed a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The Court reviewed the petition, determined that it failed to state a claim upon which habeas relief could be granted and ordered Savannah to file an amended petition. *See* Order Of Dismissal With Leave to Amend at 2-3. Savannah then filed a "motion to withdraw from the court's order to amend with-out prejudice to exhaust state remedies," which appears to request a dismissal of this action so that he may exhaust state court remedies for his claims. Upon due consideration, the motion is **GRANTED**. (Docket # 7.)


This action is **DISMISSED** without prejudice to Savannah filing a new action after he exhausts state court remedies. Savannah is cautioned *not* to file an amended petition in this action and not to use the case number for this action because this action is being closed today. When he files a new petition, he should put no case number on the first page, and should submit it with the \$5.00 filing fee or a completed *in forma pauperis* application. At that time, the Court will give the new petition a new case number. Savannah is urged to *act swiftly* to exhaust his state court remedies

1 and immediately file a new federal habeas petition after he receives a decision from the California
2 Supreme Court to avoid running afoul of the one-year statute of limitations on the filing of federal
3 habeas petitions, 28 U.S.C. § 2244(d).

4 This order disposes of Docket No. 7. The Clerk shall close the file.

5
6 IT IS SO ORDERED.

7
8 Dated: October 21, 2011

9
10 
11 _____
12 EDWARD M. CHEN
13 United States District Judge
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28