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**IN THE UNITED STATES DISTRICT COURT**

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**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

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**SAN FRANCISCO DIVISION**

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RICHARD TULLY,

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Petitioner,

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vs.

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RONALD DAVIS, Warden of San  
Quentin State Prison,

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Respondent.

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) CASE NO. 3:18-cv-04763-EMC

) **ORDER OF DISMISSAL**

) Honorable Edward M. Chen

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Petitioner Richard Tully, by and through counsel, has provided notice that his death sentence has been vacated and that he has been resentenced to a non-capital term of 31 years to life in prison. Doc #67. Respondent sought this resentencing pursuant to an agreement with Petitioner. *Id.* As part of the agreement, petitioner agreed to withdraw all pending habeas claims and petitions.

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Pursuant to Federal Rule of Civil Procedure 41(a)(2), on November 15, 2024, petitioner filed a Motion to Voluntarily Dismiss His Petition for Writ of Habeas Corpus Petition. Doc #68.

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It is **ORDERED** that

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1. The petition for writ of habeas corpus (Doc #26) is DISMISSED,

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2. Any and all pending motions are DENIED as MOOT,

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3. Any and all scheduled dates are VACATED, and

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4. The Clerk is DIRECTED to close this case because this order terminates the proceeding in its entirety.

**IT IS SO ORDERED.**

Dated: January 7, 2025

Respectfully submitted,



HONORABLE EDWARD M. CHEN  
Senior United States District Judge