

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
PEORIA DIVISION**

JEFFERY THEADORE DAVIS,)
)
 Petitioner,)
)
 v.)
)
 RICHARD BIRKEY,)
)
 Respondent.)

Case No. 10-cv-1077

O P I N I O N and O R D E R

Before the Court is the Motion to Withdraw filed by Petitioner, Jeffery Theodore Davis, on April 6, 2010 (Doc. 3). The Court construes the Motion as a Stipulation of Dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1). This matter is DISMISSED WITHOUT PREJUDICE.

Entered this 9th day of April, 2010

s/ Joe B. McDade

JOE BILLY MCDADE
Senior United States District Judge