

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JONATHAN MATTHEW RIGGS, )  
)  
Petitioner, )  
)  
vs. )  
)  
MICHAEL BOWERSOX, )  
)  
Respondent. )

Case No. 4:08-CV-1343-AGF

**ORDER OF VOLUNTARY DISMISSAL  
PURSUANT TO FED. R. CIV. P. 41(a)(2)**

This matter is before the Court upon Petitioner’s “Notice of Dismissal.” [Doc. #18]  
The parties consented to jurisdiction by the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(c). Although styled a Notice of Dismissal, the Court has liberally construed the Notice as a motion to voluntarily dismiss his petition for a writ of habeas corpus, in light of Petitioner’s clear request “to dismiss the previously filed petition for writ of habeas corpus, filed in the above entitled cause, without prejudice, pursuant to Rule 41.” *See* Fed. R. Civ. P. 41(a)(2).<sup>1</sup> The Court will grant Petitioner's motion.

Therefore,

**IT IS HEREBY ORDERED** that Petitioner's motion to voluntarily dismiss his petition for a writ of habeas corpus without prejudice [Doc. # 18] is **GRANTED**.


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<sup>1</sup> The Court notes that on the same day as he filed his Notice of Dismissal, Petitioner also filed a Request for Extension of Time to file a reply brief/traverse. The Court assumes that Petitioner seeks to dismiss his petition, and no longer seeks additional time to file a traverse. If this is not what Petitioner intended, he must promptly file a motion for reconsideration.

**IT IS FURTHER ORDERED** that Petitioner's "Request for Extension of Time"  
[Doc. #17] is **DENIED**, as moot.

**IT IS FURTHER ORDERED** that Petitioner is **DENIED** a certificate of  
appealability if he appeals this order of dismissal.

Dated this 10th day of February, 2009.

  
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**UNITED STATES MAGISTRATE JUDGE**