

The Court has reviewed the pleadings in this cause, including the Petitioner's motion to dismiss, and the Report of the Magistrate Judge. Upon such review, the Court has concluded that while the Report of the Magistrate Judge is correct, the Petitioner's motion for voluntary dismissal should be granted. It is accordingly

ORDERED that the Petitioner's motion to dismiss (docket no. 8) is GRANTED and that the above-styled civil action be and hereby is DISMISSED without prejudice on the motion of the Petitioner. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

So **ORDERED** and **SIGNED** this **1** day of **December, 2008**.



Ron Clark, United States District Judge