

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

PHILLIP HARVEY,

Petitioner,

-vs-

Case No. SA-15-CA-750-RP

SUSAN PAMERLEAU,

Respondent.

DISMISSAL ORDER

Before the Court is Petitioner's Response to the Court's Show Cause Order, which the Court construes as a Motion to Withdraw the Petition. Petitioner requests that the Court disregard his habeas corpus petition. Under Fed. R. Civ. P. 41(a)(2),¹ an action may be dismissed at the plaintiff's instance upon order of the court and upon such terms and conditions as the court deems proper. The Court has considered the motion, and it is granted.

It is therefore **ORDERED** that the motion to withdraw petition (Document 4), filed by Petitioner on September 11, 2015, is **GRANTED**.

¹Rule 11 of the Federal Rules Governing Section 2254 Cases provides that:

The Federal Rules of Civil Procedure, to the extent that they are not inconsistent with these rules, may be applied, when appropriate, to petitions filed under these rules.

It is further **ORDERED** that Petitioner's Petition for habeas corpus relief (Document 1) is **DISMISSED WITHOUT PREJUDICE**, and this case is **CLOSED**.

SIGNED on September 15, 2015.

A handwritten signature in blue ink, appearing to read "R. Pitman", with a long horizontal stroke extending to the right.

ROBERT L. PITMAN
UNITED STATES DISTRICT JUDGE