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CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DAVID MUNGAI NJENGA,

Petitioner,

v.

NATHALIE ASHER, *et al.*,

Respondents.

Case No. C11-265-JLR

ORDER OF DISMISSAL

The Court, having reviewed petitioner's motion for voluntary dismissal, the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, and any objections or responses to that, and the remaining record, finds and Orders as follows:

- 1. The Court adopts the Report and Recommendation;
- 2. Petitioner's motion for voluntary dismissal, Dkt. No. 22, is **GRANTED**, and this action is **DISMISSED** without prejudice to petitioner filing a new habeas petition and without fees or costs to either party; and
- 3. The Clerk shall send a copy of this Order to the parties and to Judge Tsuchida.

DATED this 31ST day of May, 2011.



JAMES L. ROBART
United States District Judge

