

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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PHILLIP T. THOMAS,

Petitioner,

ORDER

v.

13-cv-135-wmc

11-cr-118-wmc

UNITED STATES OF AMERICA,

Respondent.

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Phillip T. Thomas filed a motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255, and the court appointed counsel to assist him with one of his claims. On June 26, 2013, counsel notified the court that Thomas no longer wished to proceed with his claims. Thereafter, counsel filed a motion to withdraw. On August 14, 2013, the court granted counsel's motion to withdraw and instructed Thomas to give written notice no later than September 4, 2013, indicating whether he wished to proceed. To date, Thomas has not filed a response. Accordingly, under the inherent power necessarily vested in a court to manage its own docket, the motion will be dismissed without prejudice. **Thomas is advised, nevertheless, that collateral review may now be barred by the one-year statute of limitations found at 28 U.S.C. § 2255(f).**

ORDER

IT IS ORDERED that the motion filed by Phillip T. Thomas to vacate, set aside or

correct his sentence under 28 U.S.C. § 2255 is DISMISSED without prejudice for want of prosecution.

Entered this 24th day of September, 2013.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge