

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

TERRY E. DEMARR,

Defendant.

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ORDER

04-CR-121-S-02

On April 10, 2006 defendant was advised that he had until May 10, 2006 to advise the Court if he wishes to proceed under 28 U.S.C. § 2255. On April 19, 2006 defendant objected to this order and moved reconsideration. He continues to seek to appeal his sentence under 18 U.S.C. § 3742. He cannot appeal his sentence again because his appeal was decided on April 22, 2005. Defendant's motion for reconsideration will be denied. At this time the Court will consider his response a request to withdraw any motion under 28 U.S.C. § 2255.

ORDER

IT IS ORDERED that defendant's motion for reconsideration is DENIED.

IT IS FURTHER ORDERED that his motion to proceed under 28 U.S.C. § 2255 is WITHDRAWN.

Entered this 19<sup>th</sup> day of April, 2006.

BY THE COURT:

s/

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JOHN C. SHABAZ  
District Judge

