

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN A. RADERMACHER,

Defendant.

ORDER

05-CR-0039-C-01
06-C-0741-C

On January 30, 2007, defendant John A. Radermacher filed a timely motion for postconviction relief pursuant to 28 U.S.C. § 2255, contending that his trial counsel failed to file an appeal from the thirty-year sentence imposed on defendant on April 5, 2006. In an order entered on January 29, 2007, I advised defendant to think about the motion he filed and whether he wished to pursue it, given the possibility that doing so would be unlikely to lead to any positive result for him and might cause him to lose the three-level downward adjustment he received because of his acceptance of responsibility for his criminal conduct. In the order, I gave defendant until February 16, 2007, in which to advise the court whether he wanted to pursue the motion he had filed or withdraw it. I told defendant that if he did not respond by February 16, 2007, I would assume that he wished to withdraw

his motion.

It is now February 21, 2007 and defendant has not advised the court that he intends to pursue his motion for postconviction relief. I conclude from the lack of communication that he is abandoning his motion.

ORDER

IT IS ORDERED that defendant John A. Radermacher's motion for postconviction relief is considered withdrawn. The clerk of court is to close this case.

Entered this 21st day of February, 2007.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge