

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

TIMOTHY HOTCHKISS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER

06-C-307-S
05-CR-107-S-01

Petitioner's motion under 28 U.S.C. § 2255 to vacate sentence to include a determination as to whether petitioner told his attorney to appeal his criminal conviction, and his attorney failed to do so, came on to be heard before the Court in the above entitled matter on September 14, 2006, the petitioner having appeared in person and by Thomas Wilmouth; respondent by Erik C. Peterson, United States Attorney for the Western District of Wisconsin, by Meredith Duchemin, Assistant United States Attorney. Honorable John C. Shabaz, District Judge, presided.

Upon petitioner's request to withdraw his petition to include that motion presently scheduled before the Court,

ORDER

IT IS ORDERED that petitioner's motion to withdraw his petition is GRANTED with prejudice.

IT IS FURTHER ORDERED that judgment be entered DISMISSING petitioner's motion with prejudice to vacate his sentence and for failure to file his appeal under 28 U.S.C. § 2255.

Entered this 14th day of September, 2006.

BY THE COURT:

____s/_____
JOHN C. SHABAZ
District Judge