

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD E. CRAYTON,

Defendant.

ORDER

10-cr-12-bbc

13-cv-127-bbc

On February 21, 2013, defendant Richard E. Crayton filed a motion for post conviction relief under 28 U.S.C. § 2255, contending that he may be entitled to a new sentencing once the United States Supreme Court decides Alleyne v. United States, a case in which it has granted certiorari. In an order entered on February 26, 2013, I explained to defendant that his motion cannot succeed at this time, but that I would give him an opportunity to withdraw his motion. If he does, he will be free to file a new motion in the event the Supreme Court should decide both that federal courts have no authority to increase a mandatory minimum sentence in the absence of findings by the jury and that its holding applies retroactively to all cases in which courts have made such increases. I gave him until March 7, 2013, in which to advise the court whether he wished to withdraw with his motion for post conviction relief at this time.

Defendant has now responded to the March 7, 2013, order and has advised the court that he wishes to withdraw his § 2255 motion.

ORDER

IT IS ORDERED that defendant Richard E. Crayton's motion for post conviction relief under 28 U.S.C. § 2255 is considered withdrawn. The clerk of court is to close this case.

Entered this 8th day of March, 2013.

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

