

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

ERSKINE JACKSON,	)	
	)	
Petitioner,	)	
	)	Civil Action No.
v.	)	2:13cv596-MHT
	)	(WO)
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

OPINION

On August 19, 2013, petitioner Erskine Jackson filed a pro se pleading styled as a "Motion for Nunc Pro Tunc," in which he asserts claims apparently challenging his sentence for federal controlled substance and firearm offense. Through an order entered on August 28, 2013, this court informed Jackson that his claims were properly presented in a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. Additionally, in accordance with Castro v. United States, 540 U.S. 375 (2003), the court notified Jackson of its intention to treat his filing as such a motion and directed Jackson to

advise the court if he wished (1) to proceed on his motion under 28 U.S.C. § 2255; (2) to amend his motion to assert additional claims under 28 U.S. § 2255; (3) or to withdraw his motion.

On October 8, 2013, Jackson filed a response to the court's August 28 order in which states that he is not seeking relief under § 2255 and asks the court to dismiss his August 19 motion. This court construes Jackson's response as a request to withdraw his August 19 motion and a motion for voluntary dismissal of this action pursuant to Fed.R.Civ.P. 41(a)(2). The court will grant Jackson's request to withdraw his August 19 motion and grant the motion for voluntary dismissal. An appropriate judgment will be entered.

DONE, this 16th day of October, 2013.

/s/ Myron H. Thompson  
SENIOR UNITED STATES DISTRICT JUDGE