

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

CEDRIQUEZ MCCA,)	
)
Petitioner,)	
)
v.)	CASE NO. 2:15-CV-710-WKW
)
UNITED STATES OF AMERICA,)	[WO]
)
Respondent.)	

ORDER

Before the court is Petitioner Cedriquez McCaa’s *pro se* motion to withdraw his motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255. (Doc. # 12.) The court construes this motion as McCaa’s notice of voluntary dismissal under Rule 41(a)(1) of the Federal Rules of Civil Procedure.

Rule 41(a)(1)(A)(i) provides that a plaintiff may voluntarily dismiss an action without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment[.]” Fed. R. Civ. P. 41(a)(1)(A)(i). Although the United States has been directed to file a response to McCaa’s § 2255 motion, such response is not due until December 14, 2015, and has not yet been served by the government. (*See* Doc. # 11.)

Accordingly, it is ORDERED that this action is DISMISSED without prejudice under Fed. R. Civ. P. 41(a)(1). The Clerk of Court is DIRECTED to close this case.

DONE, this 8th day of December, 2015.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE