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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 05-00595 WHA

Plaintiff,

v.

**ORDER RE WITHDRAWAL OF
MOTIONS**

SADELL CONRAD,

Defendant.

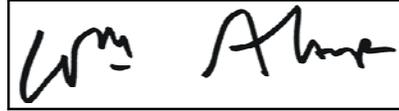
Defendant Conrad, acting *pro se*, filed — as an opening pleading in a new case, C 08-1743 — a motion in which he requested a reduction in sentence due to then-recent actions by the Sentencing Commission. In an order dated June 20, 2008, the Court requested that the filing be re-submitted as a motion in defendant’s criminal case, CR 05-00595, and directed the matter to defendant’s counsel in that case. The order requested the parties to respond with their positions on the filing.

Defendant’s counsel, Assistant Federal Public Defender Falk, responded and indicated the following: (1) it was her understanding that defendant was not eligible for a reduction in sentence on the grounds indicated in the filing; (2) defendant had filed the motion prior to a conversation with Ms. Falk in which Ms. Falk indicated to him that he was not eligible for a reduction in sentence; (3) due to current prison conditions, Ms. Falk was not permitted to speak with defendant personally, but defendant’s case manager had informed Ms. Falk that defendant wished to withdraw the motion both from the new case, C 08-1743 (which she termed a *habeas* petition), and from defendant’s criminal case, CR 05-595.

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The motion, therefore, is withdrawn from both matters. Case C 08-1743 is closed, and the Clerk's Office is instructed to close the file.

IT IS SO ORDERED.



Dated: November 25, 2008

WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE