

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

<p><b>RALSTON ENRICO SAMUELS,</b>                   <b>Petitioner,</b></p> <p style="text-align: center;">v.</p> <p><b>SCOTT HASSEL and</b> <b>SCOTT SATTERFIELD,</b>                   <b>Respondents.</b></p>	<p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p>	<p><b>PRISONER</b> <b>CASE NO. 3:13-cv-1189 (VLB)</b></p> <p><b>April 3, 2017</b></p>
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**ORDER DISMISSING CASE**

The petitioner, Ralston Enrico Samuels, currently residing in Jamaica, brought this action *pro se* for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (2000). He challenged his conviction for sexual assault and risk of injury to a minor on the ground that he was afforded ineffective assistance of counsel. On March 20, 2017, the Court dismissed Samuels' habeas petition for the reasons set forth in the Ruling on Amended Petition for Writ of Habeas Corpus. [Dkt. 37.] The Court also declined to issue a certificate of appealability. *Id.* at 14.

In addition to the reasons set forth in the Court's Ruling on Amended Petition for Writ of Habeas Corpus, the Court dismisses petitioner's habeas corpus petition for failure to prosecute. The petitioner has stated he is not receiving mail sent to him by the Court. Mail sent to the petitioner by the Court has not been returned to the Court as undeliverable. Mail which has been sent and not returned is presumed to have been delivered. *Claude v. Wells Fargo Bank, N.A.*, 3:13-cv-00535, 2015 WL 5797007, \*10 (D. Conn. Sept. 30, 2015) ("a

letter shown to be properly addressed and mailed raises a rebuttable presumption of receipt”). If the petitioner seeks to reopen the case, he is advised to submit an application for electronic filing. Should petitioner choose not to participate in electronic filing, the Court will construe his refusal to participate in electronic filing as his acceptance of the risk that he will not receive case material mailed by the opposing party and the Court.

The amended petition for writ of habeas corpus [Dkt. 25] is DENIED for failure to prosecute in addition to the reasons set forth in the Court’s prior Ruling [Dkt. 37].

The Clerk is directed to enter judgment in favor of the respondent and close this case.

SO ORDERED this 3rd day of April 2017, at Hartford, Connecticut.

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Vanessa L. Bryant  
United States District Judge