

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 15-00098-01
)	CIV. NO. 17-00565 SOM-KSC
Plaintiff,)	
)	ORDER GRANTING PETITIONER RUBEN
vs.)	SETTLE'S MOTION TO DISMISS HIS
)	OWN 28 U.S.C. § 2255 MOTION
RUBEN SETTLE,)	WITHOUT PREJUDICE
)	
Defendant.)	
)	

**ORDER GRANTING PETITIONER RUBEN SETTLE'S MOTION
TO DISMISS HIS OWN 28 U.S.C. § 2255 MOTION WITHOUT PREJUDICE**

Petitioner Ruben Settle has moved for relief under 28 U.S.C. § 2255. This court ordered him to show cause why his motion should not be dismissed as untimely. Instead of making the required showing, Settle filed a Motion To Dismiss Without Prejudice, asking that this court "issue an order dismissing this motion that is not in front of this honorable [court] that was filed pursuant to 28 U.S.C. § 2255." This court grants the request to dismiss the § 2255 motion without prejudice.

So that there is no confusion, this court reminds Settle that, as set forth in this court's earlier orders in this very case, any § 2255 motion is subject to a limitations period, and any second or successive § 2255 motion must be certified by the Ninth Circuit Court of Appeals.

With the dismissal of Settle's § 2255 motion, the present § 2255 matter is concluded, and the Clerk of Court is

directed to enter judgment in favor of the United States with respect to Settle's § 2255 motion.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, December 21, 2017.



/s/ Susan Oki Mollway
Susan Oki Mollway
Chief United States District Judge

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OWN 28 U.S.C. § 2255 MOTION WITHOUT PREJUDICE