

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CENTRAL DIVISION**

RACHEL ANN CLAVEY,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

No. C 12-3095-MWB  
(No. CR 11-3022-MWB)

**ORDER DISMISSING  
PETITIONER'S § 2255 MOTION**

---

This case is now before me on petitioner Rachel Ann Clavey's May 27, 2014, Motion To Dismiss (Civ. docket no. 18), filed with the assistance of counsel. In her Motion To Dismiss, Clavey seeks dismissal of her December 10, 2012, *pro se* Motion Under 28 U.S.C. § 2255 To Vacate, Set Aside, Or Correct A Sentence By A Person In Federal Custody (§ 2255 Motion) (Civ. docket no. 1) in its entirety. In a Memorandum Opinion And Order (docket no. 17), filed May 7, 2014, I did the following: (1) construed Clavey's counsel's September 10, 2013, Supplemental Memorandum In Support Of Application For Relief Pursuant To 28 U.S.C. § 2255 (Civ. docket no. 14) as an Amended § 2255 Motion; (2) construed the respondent's September 13, 2013, Motion To Dismiss Petitioner's Supplemental Memorandum In Support Of Application For Relief Pursuant To 28 U.S.C. § 2255 (Civ. docket no. 16) as a Motion To Strike an unauthorized amendment of Clavey's § 2255 Motion; (3) struck Clavey's September 10, 2013, Supplemental Memorandum/Amended § 2255 Motion as both unauthorized and legally insufficient; and (4) directed Clavey to file a supplemental brief in support of her *original* § 2255 Motion, with the assistance of counsel, on or before May 30, 2014. In the Motion To Dismiss now before me, Clavey's counsel represents that he has discussed

my May 7, 2014, Memorandum Opinion And Order with Clavey via teleconference and that Clavey has asked him to move for dismissal of this matter. I agree that dismissal of this matter, *with prejudice*, is appropriate pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.

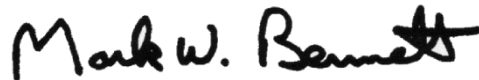
THEREFORE,

1. Petitioner Rachel Ann Clavey's May 27, 2014, Motion To Dismiss (Civ. docket no. 18) is **granted**; and

2. Petitioner Rachel Ann Clavey's December 10, 2014, *pro se* Motion Under 28 U.S.C. § 2255 To Vacate, Set Aside, Or Correct A Sentence By A Person In Federal Custody (§ 2255 Motion) (Civ. docket no. 1) is **dismissed, in its entirety, with prejudice.**

**IT IS SO ORDERED.**

**DATED** this 28th day of May, 2014.



---

MARK W. BENNETT  
U.S. DISTRICT COURT JUDGE  
NORTHERN DISTRICT OF IOWA