

Continued as a motion for voluntary dismissal, this is allowed. This case may now be closed. So ordered. Michael B. Power USAJ 5.7.13

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MASSACHUSETTS

RICHARD ROGERS, Petitioner, v. Michael Ashe, Respondant. Civil Action No. 13-30055 - MAP Magistrate Judge: Kenneth P. Neiman

Petitioner's Motion of Withdrawal

The Petitioner, Richard Rogers pro-se, respectfully submits this motion to withdraw his filing of Habeas Corpus pursuant to 28 U.S.C. §2254 as sentencing has been overly fulfilled and petitioner avers that the Commonwealth of Massachusetts has denied him access to the court.

Rogers avers, as was with Commonwealth v Osborne, 445 Mass. 776, the Commonwealth failed to prove that Rogers signed a waiver of jury as mandated by Mass. R. Crim. P. 19 and Mass. General Law c 263 §6 which protects defendants from malicious counsel. When Rogers filed for relief based on this claim, C. Jeffrey Kinder, J. of Mass. Superior Court denied him access to the court. Furthermore, Massachusetts violated the terms and conditions of the Interstate Agreement on Detainers by failing to hold trial within 180 days of Rogers' request of filing Article III in 2009 and repeated in 2012. Mass failed to uphold their written promise to execute Article IV, and Rogers to this day has an unheard filing which he submitted 2 months prior to conviction.