

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES KUCERA,

Petitioner,

v.

CASE NO. 2:13-CV-12799
HONORABLE DENISE PAGE HOOD

J.A. TERRIS,

Respondent.

**OPINION AND ORDER GRANTING PETITIONER'S MOTION TO
WITHDRAW, DISMISSING THE PETITION FOR A WRIT OF HABEAS
CORPUS, AND DENYING A CERTIFICATE OF APPEALABILITY**

Federal prisoner James Kucera ("Petitioner") has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging the timing of his placement in a residential reentry center. This matter is before the Court on Petitioner's motion to withdraw his petition. In his motion, Petitioner indicates that he understands the consequences of the dismissal.

Having considered the matter, the Court finds that Petitioner knowingly and voluntarily seeks to withdraw his pending habeas petition and should be allowed to do so. Accordingly, the Court **GRANTS** his motion to withdraw and **DISMISSES** the petition for a writ of habeas corpus. Additionally, the Court **DENIES** a certificate of

appealability as reasonable jurists could not debate the correctness of the Court's procedural ruling. 28 U.S.C. § 2253(c); FED. R. APP. P. 22(b); *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000). This case is closed.

IT IS SO ORDERED.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: December 30, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on December 30, 2013, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry
Case Manager