

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JUSTIN WITTE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:11CV2036 ERW
	)	
KEVIN CULTON, et al.,	)	
	)	
Defendants.	)	

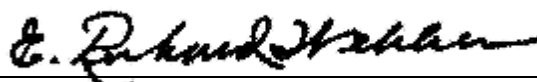
**MEMORANDUM AND ORDER**

This matter comes before the Court on Plaintiff Justin Witte’s Request to Retract his Response/Appeal [ECF No. 151]. On September 9, 2013, the Court entered a Judgment, dismissing all defendants in Plaintiff’s lawsuit. Plaintiff filed a Notice of Appeal [ECF No. 149] on September 12, 2013. The Court noted Plaintiff had not submitted the filing fee with his Notice of Appeal and therefore ordered Plaintiff to submit the requisite documentation to proceed in forma pauperis. Plaintiff subsequently filed his Request to Retract his Response/Appeal. The Court will grant his Request, noting that pursuant to Federal Rule of Appellate Procedure 4, “the notice of appeal . . . must be filed with the district clerk within 30 days after entry of the judgment or order appealed from.”

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff Justin Witte’s Request to Retract his Response/Appeal [ECF No. 151] is **GRANTED**.

Dated this 30th day of September, 2013.



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E. RICHARD WEBBER  
SENIOR UNITED STATES DISTRICT JUDGE