

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ANTHONY OWENS,)
)
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 Movant,)
)
)
 v.) No. 4:16 CV 1095 CDP
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)
 UNITED STATES OF AMERICA,)
)
)
 Respondent.)

MEMORANDUM AND ORDER

Movant Anthony Owens brings this motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255, claiming only that the Supreme Court case of *Johnson v. United States*, 135 S. Ct. 2551 (2015), should be applied to his case in order to reduce his sentence. In response, the government contends that the motion should be dismissed, arguing *inter alia* that Owens failed to obtain the necessary permission from the Eighth Circuit Court of Appeals to file a successive petition.¹ Owens now seeks to withdraw his claim. Given the present posture of this case, I will grant Owens' request and dismiss his motion to vacate.

Accordingly,

IT IS HEREBY ORDERED that movant Anthony Owens' motion to

¹ Owens filed a motion to vacate in 2013, which I denied on its merits. *See Owens v. United States*, No. 4:13CV2561 CDP (E.D. Mo. July 8, 2015) (order). In December 2015, the Eighth Circuit dismissed Owens' appeal of this decision, *Owens v. United States*, No. 15-2877 (8th Cir. Dec. 29, 2015) (judgment), and later affirmed my denial of his post-judgment motions, *Owens v. United States*, No. 16-1166 (8th Cir. Feb. 8, 2016) (judgment).

withdraw [9] is **GRANTED**.

IT IS FURTHER ORDERED that movant's motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255 [1] is **DISMISSED**.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 22nd day of November, 2016.