

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CHRISTOPHER KNAPP,

Petitioner,

v.

9:22-CV-1106
(GTS)

CHENANGO COUNTY JAIL, Sheriff's Office,

Respondent.

APPEARANCES:

OF COUNSEL:

CHRISTOPHER KNAPP

Petitioner, pro se

3967

Chenango County Jail

279 County Road 46

Norwich, NY 13815

GLENN T. SUDDABY

United States District Judge

DECISION and ORDER

Petitioner Christopher Knapp sought federal habeas relief pursuant to 28 U.S.C. § 2241. Dkt. No. 1, Petition.¹ On November 28, 2022, this Court dismissed the habeas petition without prejudice as premature. Dkt. No. 8, Decision and Order ("November Order"). Further, petitioner was given the option to either (1) have his action converted to a civil rights complaint, and remit the statutory filing fee or a new IFP application, or (2) voluntarily withdraw the civil rights claims and, if he so chooses, amend the presently pending complaint filed in *Knapp v. Chenango County Sheriff's Office et al.*, No. 9:22-CV-1068 (DNH/TWD)

¹ Citations to the petition and exhibits refer to the pagination generated by CM/ECF, the Court's electronic filing system.

("Knapp I").² *Id.* at 4-8. Petitioner's response was due on or before December 28, 2022. Nothing has been filed with the Court.

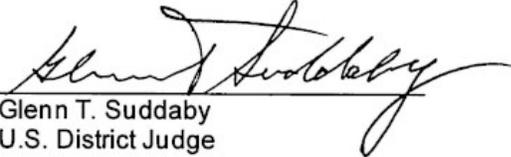
However, on December 28, 2022, the Court did receive an amended pleading and motion to appoint counsel from petitioner in his other pending civil rights action. *Knapp I*, Dkt. No. 19, Complaint & Dkt. No. 20, Motion. Accordingly, despite Knapp's silence in this action, it appears that he has decided to continue to pursue his conditions of confinement claims by engaging with the Court in *Knapp I*. Consequently, both petitioner's inaction here, and actions elsewhere, signify his intent to voluntarily withdraw his conditions of confinement claims, as opposed to submitting a second filing fee and pursuing a parallel civil rights action.

WHEREFORE, it is

ORDERED that the remaining claims are **WITHDRAWN** and the action is **DISMISSED WITHOUT PREJUDICE**; and it is further

ORDERED that the Clerk serve copies of this Decision and Order upon petitioner in accordance with the Local Rules.

Dated: January 17, 2023


Glenn T. Suddaby
U.S. District Judge

² The Federal Rules provide that "[a] party may amend its pleading once as a matter of course within . . . 21 days of serving it[.]" FED. R. CIV. PRO. 15(a)(1). "In all other cases, a party may amend its pleading . . . with the opposing party's written consent or the court's leave." *Id.* 15(a)(2).