



(AEDPA).<sup>1</sup> See ECF No. 7. Petitioner was also forewarned that if he elected to withdraw his instant petition in order to file one all-inclusive petition, the AEDPA's statute of limitations might bar the filing of any such successive petition.

Mr. Ramos was provided with a Notice of Election form and directed to notify the Court within twenty-one days as to how he wished to proceed.

On November 15, 2017, Mr. Ramos filed the Notice of Election form wherein he advised the Court that he wishes to withdraw his instant petition for writ of habeas corpus so that he may file one, all-inclusive petition under 28 U.S.C. § 2254 within the one-year time limit for filing such a petition.<sup>2</sup>

Based upon an application of the standards announced in *Miller and Mason* to Mr. Ramos' decision not to proceed with his present Petition, this Court is precluded from ruling on his action as filed. Consequently, Mr. Ramos's Petition will be dismissed without prejudice to file a new, all-inclusive, § 2254 petition.

An appropriate Order will follow.

**Dated: November 17, 2017**

**/s/ A. Richard Caputo**  
**A. RICHARD CAPUTO**  
**United States District Judge**

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<sup>1</sup> *Miller and Mason* sought to prevent *pro se* litigants from unintentionally defaulting federal claims through failure to assert them in a single action.

<sup>2</sup> Mr. Ramos was forewarned that his new petition would have to be submitted within the one-year period of limitations authorized under 28 U.S.C. § 2244(d). (ECF No. 5, pp. 2 – 4).