

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

XAVIER I. RAMOS,

Petitioner

v.

**COURT OF COMMON PLEAS OF
LEBANON PENNSYLVANIA, et al.,**

Respondents

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CIVIL ACTION NO. 3:CV-17-1426

(Judge Caputo)

ORDER

AND NOW, this **17th** day of **NOVEMBER, 2017**, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED THAT:**

1. In accordance with Mr. Ramos' Notice of Election (ECF No. 6) to discontinue this action, the instant petition is **DEEMED WITHDRAWN.**
2. Mr. Ramos' petition for writ of habeas corpus (ECF No. 1) is **DISMISSED WITHOUT PREJUDICE.**
3. Mr. Ramos may file another § 2254 petition raising all grounds for relief from his conviction within the applicable one (1) year statutory period prescribed by 28 U.S.C. § 2254(d)(1).
4. There is no basis for the issuance of a Certificate of Appealability.
5. The Clerk of Court is directed to **CLOSE** this case.

/s/ A. Richard Caputo

A. RICHARD CAPUTO
United States District Judge