Turkos v. Brittain et al Doc. 7

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

JOSEPH TURKOS, :

:

Petitioner,

:

v. : No.: 4:17-CV-1897

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SUPERINTENDENT BRITTAIN, : (Judge Brann)

:

Respondent. :

ORDER

AND NOW, this 5th day of December 2017, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

- In accordance with the Petitioner's Notice of Election (Doc. 5) to discontinue this action, the instant petition is **DEEMED** WITHDRAWN.
- 2. **DISMISSAL IS WITHOUT PREJUDICE** and Turkos may file another § 2254 petition raising all grounds for relief from his conviction within the one (1) year statutory period prescribed by 28 U.S.C. § 2244(d)(1).
- 3. The Clerk of Court is directed to **CLOSE** this case.
- 4. There is no basis for the issuance of a Certificate of Appealability.

BY THE COURT:

s/Matthew W. BrannMatthew W. BrannUnited States District Judge