

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>FRANKIE LOGYANG WONG, 36334-177,</b>	§	
	§	
Petitioner,	§	
v.	§	Civil Action No. <b>3:12-CV-444-L</b>
	§	
<b>UNITED STATES OF AMERICA,</b>	§	
	§	
Respondent.	§	

**ORDER**

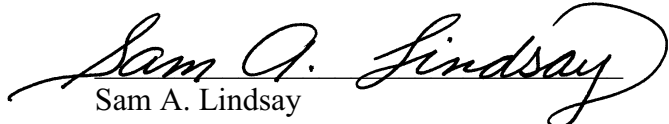
Before the court is the United States of America’s (“the government”) Motion to Dismiss Motion Under 28 U.S.C. § 2255, filed November 19, 2012. The case was referred to Magistrate Judge Paul D. Stickney, who entered Findings, Conclusions, and Recommendation of the United States Magistrate Judge (“Report”), on February 4, 2013, recommending that the government’s motion be granted and that the court dismiss without prejudice Petitioner Frankie L. Wong’s (“Petitioner” or “Wong”) petition for failure to comply with a court order pursuant to Federal Rule of Civil Procedure 41(b). No objections to the Report were filed.

On February 10, 2012, Wong filed a petition pursuant to 28 U.S.C. § 2255, challenging his convictions for conspiracy, bribery concerning programs receiving federal funds, and aiding and abetting. On March 19, 2012, Petitioner filed a motion for leave to file a supplemental memorandum with a seventy-nine page memorandum of law attached thereto. The government moved to strike the petition because it exceeded the twenty-five page limit contained in Local Rule 7.2(c). On May 29, 2012, the court granted the government’s motion to strike. The court also granted Petitioner leave to file a brief of no more than fifty pages. Wong did not respond to the court’s order.

The government then filed its Motion to Dismiss Motion Under 28 U.S.C. § 2255. In the motion, the government requests the court to dismiss Wong's petition because he failed to comply with the court's May 29, 2012 order directing him to file an amended supplemental memorandum of no more than fifty pages. Petitioner did not respond to the motion to dismiss.

Having reviewed the pleadings, file, and record in this case, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **grants** the government's Motion to Dismiss Motion Under 28 U.S.C. § 2255 and **dismisses** this action **without prejudice**.

**It is so ordered** this 9th day of July, 2013.

  
Sam A. Lindsay  
United States District Judge