IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

JUSTICE ADDEAH DONKOR,

Petitioner,

v. **Civil Action No. 5:09cv14**
(Judge Stamp)

UNITED STATES IMMIGRATION,

Respondent.

MEMORANDUM OPINION AND ORDER OF DISMISSAL

On this day, the above-styled matter came before the Court for consideration of the petitioner, Justice Addeah Donkor's, Motion to Withdraw Habeas Corpus Writ. In support of the motion, Donkor asserts that the requested purpose of the writ is "long over due."

Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, the court may dismiss an action upon request of the plaintiff as the court deems proper. In this case, the only reason given by the petitioner to voluntarily dismiss this action is that the requested purpose of the writ is long overdue. Although the Court deems it proper to grant the petitioner's motion and dismiss this case, in doing so, the Court notes that there has been no delay in the processing of the case.

This case was initiated on January 27, 2009. The Court received the petitioner's request to proceed as a pauper on February 6, 2009, and a Report and Recommendation on that motion was entered on February 10, 2009. The petitioner paid the required $5.00 filing fee on February 17, 2009. An order directing the respondent to answer the petition was entered the next day. After receiving a short extension of time to file an answer, the respondent filed a response to the petition

on May 7, 2009. Because the petitioner is proceedings pro se, the Court issued the required Roseboro Notice on May 8, 2009. The petitioner's response was due on June 8, 2009. Instead, however, the petitioner filed the instant motion on June 5, 2009. Accordingly, the record shows no delay in the processing of the petitioner's case.

Nonetheless, at the request of the petitioner, and because the Court deems it proper, the petitioner's Motion to Withdraw Habeas Corpus Writ (dckt. 28) is GRANTED and the petitioner's § 2241 petition is DISMISSED WITHOUT PREJUDICE from the active docket of this Court. Should the petitioner choose to appeal the judgment of this Court to the United States Court of Appeals for the Fourth Circuit, he is ADVISED that he must file a notice of appeal with the Clerk of this Court within 30 days after the date of the entry of the judgment order.

IT IS SO ORDERED.

The Clerk is DIRECTED to transmit a copy of this memorandum opinion and order to the petitioner and counsel of record herein. Pursuant to Federal Rule of Civil Procedure 58, the Clerk is DIRECTED to enter judgment on this matter.

DATED: June 8, 2009.

FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE