

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS**

United States of America,

Plaintiff/Respondent,

v.

**Case No. 10-20004-JWL
16-2311-JWL**

Bruce M. Jones II,

Defendant/Petitioner.

ORDER

On October 3, 2016, the court issued a memorandum and order dismissing Mr. Jones' § 2255 petition—filed more than three years after the Circuit's mandate issued—as untimely. The parties had fully briefed the petition and, after carefully reviewing the record, the court concluded that there was no basis to equitably toll the filing deadline. On October 6, 2016, the court received correspondence from Mr. Jones—in the form of a letter that had been postmarked on October 3, 2016—indicating his desire to withdraw his § 2255 petition. That letter has been docketed as a motion to withdraw and, in light of the court's order dismissing the petition as untimely, the motion to withdraw is moot.

IT IS THEREFORE ORDERED BY THE COURT THAT Mr. Jones' motion to withdraw (doc. 118) is **moot**.

IT IS SO ORDERED.

Dated this 7th day of October, 2016, at Kansas City, Kansas.

s/ John W. Lungstrum
John W. Lungstrum
United States District Judge