

IN THE
UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. [REDACTED]

UNITED STATES OF AMERICA,)	
Appellee)	
v.)	MOTION FOR LEAVE TO
)	WITHDRAW AS COUNSEL
[REDACTED])	
Appellant)	

The Office of the Federal Public Defender and undersigned counsel hereby respectfully move the Court for an order allowing them leave to withdraw as counsel of record for the Appellant listed above. In support hereof, counsel shows the following:

Undersigned counsel was appointed to represent the Appellant with regard to his criminal charges brought in the District Court for the Middle District of North Carolina. Following the Appellant's conviction and sentence in the District Court, the Appellant instructed counsel to file his Notice of Appeal. Undersigned counsel filed Appellant's Notice of Appeal, was appointed by this Court to represent Appellant herein, and appealed the Appellant's sentence to this Court. This Court affirmed Appellant's sentence by Judgment filed June 29, 2010.

Counsel thereafter forwarded a copy of this Court's Judgment to Appellant and advised him of his certiorari rights in the Supreme Court. By letter post-marked July 23, 2010, and received by counsel on July 26, 2010, the Appellant requested counsel to

prepare a certiorari petition for him to be filed in the Supreme Court. The deadline for such a filing is September 26, 2010.

On August 5, 2010, the Appellant filed a petition in the District Court, pursuant to 28 U.S.C. § 2255, claiming in part that counsel provided him ineffective assistance and representation. A copy of said § 2255 petition was forwarded to counsel by the U.S. Attorney's Office under cover of letter dated August 25, 2010. Due to the Appellant filing a § 2255 petition alleging ineffective assistance of counsel, it would be a conflict of interest for counsel to remain Appellant's attorney for purposes of preparing and filing a certiorari petition in the Supreme Court.

By copy of this Motion mailed this date to the Appellant, undersigned counsel hereby notifies the Appellant that he has seven (7) days within which to respond to this Motion.

WHEREFORE, the Office of the Federal Public Defender and undersigned counsel respectfully move the Court for an order allowing them leave to withdraw as counsel for [REDACTED].

Respectfully submitted this 27th day of August, 2010.

/s THOMAS N. COCHRAN
THOMAS N. COCHRAN
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CERTIFICATE OF SERVICE

I hereby certify that on August 27, 2010, I electronically filed the foregoing with the Clerk of Court using the CM/ECF System, which will send notice of such filing to the following registered CM/ECF user(s):

Mr. Terry M. Meinecke
Assistant United States Attorney
for the Middle District of North Carolina.

I further certify that I have mailed the foregoing document by First-Class Mail, postage prepaid, to all case participant(s), at the following address(es).

██
██
██
██
██

This, the 27th day of August, 2010.

s/THOMAS N. COCHRAN
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