

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES	*	
vs.	*	Case No.: 21-CR-28-APM
THOMAS EDWARD CALDWELL	*	

\* \* \* \* \*

**UNOPPOSED MOTION TO VOLUNTARILY DISMISS APPEAL**

Comes Now the Defendant, Thomas E. Caldwell, by and through his attorney, David W. Fischer, Esq., and moves to voluntarily dismiss the previously filed notice of appeal regarding the Court’s February 12, 2021 detention order (ECF No. 32), and in support of said motion states as follows:

1. On February 12, 2021, the Court, after considering arguments, ordered that the Defendant be detained pending trial.
2. On February 23, 2021, the Defendant’s prior counsel filed a notice of appeal regarding the Court’s ruling on detention. ECF No. 32.
3. On February 24, 2021, prior counsel was discharged and his appearance was stricken. ECF No. 37.
4. At the Defendant’s arraignment yesterday, undersigned counsel advised the Court of his intention to file a Motion for Reconsideration as to the Court’s detention order. The Court set a briefing schedule as to this reconsideration motion.
5. To vest the Court with jurisdiction to entertain a reconsideration request, the Defendant must voluntarily dismiss his appeal.

6. Pursuant to Federal Rule of Appellate Procedure 42, “[b]efore an appeal has been docketed by the circuit clerk, the district court may dismiss the appeal on the filing of . . . the appellant’s motion with notice to all parties.”
7. Undersigned Counsel confirmed today with the circuit clerk that the instant appeal has not yet been docketed in the United States Court of Appeals for the District of Columbia.
8. Accordingly, the Defendant, with no objection from Assistant U.S. Attorney Kathryn Rakocy, requests to withdraw his previously filed notice of appeal.
9. Undersigned counsel affirms that he consulted with the Defendant yesterday and fully advised him of the ramifications of voluntarily dismissing the instant appeal. The Defendant specifically directed undersigned counsel to file the instant request.

WHEREFORE, the Defendant respectfully requests that the Court dismiss the previously filed appeal, ECF No. 32.

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/s/  
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\* \* \* \* \*

**ORDER**

Upon consideration of the Defendant's Unopposed Motion to Voluntarily Dismiss Appeal, it is hereby ordered by the United States District Court for the District of Columbia that the Motion be granted and that the Defendant's previously noted appeal, ECF No. 32, is hereby dismissed without prejudice.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Honorable Amit P. Mehta  
United States District Court