

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

April 22, 2013

Elisabeth A. Shumaker
Clerk of Court

HAZHAR A. SAYED,

Petitioner - Appellant,

v.

SUSAN JONES, et al.,

Respondents - Appellees.

No. 13-1035
(D.C. No. 1:12-CV-02019-LTB)

ORDER

Before **HARTZ, O'BRIEN**, and **GORSUCH**, Circuit Judges.

The U.S. District Court for the District of Colorado denied Hazhar A. Sayed's application for habeas corpus relief under 28 U.S.C. § 2254 and also declined to issue a certificate of appealability under 28 U.S.C. § 2253(c)(1). Mr. Sayed then filed a timely notice of appeal and a subsequent opening brief with this court.

Mr. Sayed has now filed a "Motion to Dismiss Appeal" in which he states that he is aware of his appeal rights but nevertheless seeks to voluntarily dismiss this appeal. The motion is granted. The pending appeal and request for a certificate of appealability is DISMISSED. The pending motion seeking leave to proceed *in forma pauperis* on appeal is denied.

We treat Mr. Sayed's motion to dismiss as unconditional and express no view on the effect of this dismissal on any rights that Mr. Sayed may have in filing future habeas applications.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in dark ink, appearing to read 'Douglas E. Cressler', written over a horizontal line.

by: Douglas E. Cressler
Chief Deputy Clerk