

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**RONALD E. GILLEY, et al.**

**Defendants.**

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**CR No. 2:10cr186-MHT**

**MOTION FOR VOLUNTARY DISMISSAL  
OF DEFENDANT RONALD E. GILLEY'S NOTICE OF APPEAL**

COMES NOW the Defendant RONALD E. GILLEY ("Mr. Gilley" or "Defendant"), and hereby respectfully moves this Honorable Court, pursuant to Federal Rule of Appellate Procedure ("FRAP") 42(a) for dismissal of his appeal of his pretrial detention filed yesterday via his Notice of Appeal (Ct. Doc. 977). As grounds in support thereof, Mr. Gilley states the following:

1. On April 22, the day after filing his Notice of Appeal (Ct. Doc. 977) of the District Court's pretrial detention order and supporting memorandum opinion (Ct. Docs. 764 and 763), Mr. Gilley signed a Plea Agreement with the Government (Ct. Doc. 985).

2. In paragraph twenty-two (22) of the Plea Agreement, Mr. Gilley "knowingly and voluntarily waives his right to appeal or collaterally challenge:...other pretrial disposition of motions or issues."

3. In accordance with the terms of his Plea Agreement, Mr. Gilley now voluntarily moves to dismiss his Notice of Appeal of his pretrial detention.

4. Upon information and belief, Mr. Gilley's appeal of his pretrial detention has not been docketed with the United States Court of Appeals for the Eleventh Circuit, therefore the District Court may grant this Motion pursuant to FRAP 42(a).

5. Notice of this Motion will be served on all Parties through the Court's CM/ECF system in accordance with FRAP 42(a).

6. Pursuant to the Plea Agreement in this case and the dictates of FRAP 42-1(a), dismissal of this appeal is sought with prejudice.

7. Pursuant to FRAP 27-1(a)(7), Mr. Gilley was informed of the voluntary dismissal of this appeal by his counsel at his change of plea hearing today and Mr. Gilley approves of the voluntary dismissal of the appeal of the Court's detention order.

8. Mr. Gilley is being served with a copy of this Motion via regular mail at the address listed below in the Certificate of Service in keeping with FRAP 27-1(a)(7).

Respectfully submitted,

/s/ Thomas J. Butler  
Thomas J. Butler  
(ASB-7790-T75T)

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**CERTIFICATE OF SERVICE**

I hereby certify that I have on this the 22<sup>nd</sup> day of April, 2011 filed the foregoing with the Clerk of Court via CM/ECF and an electronic copy of the same has been sent to the following:

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