

No. 16-3911

**In the United States Court of Appeals
FOR THE SEVENTH CIRCUIT**

—————
BRENDAN DASSEY,
PETITIONER-APPELLEE,

v.

MICHAEL A. DITTMANN,
RESPONDENT-APPELLANT.
—————

On Appeal From The United States District Court
For The Eastern District Of Wisconsin, Case No. 14-cv-1310,
The Honorable William E. Duffin, Magistrate Judge
—————

CONSENT MOTION FOR VOLUNTARY DISMISSAL
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Pursuant to Fed. R. App. P. 42(b) and this Court's November 29, 2016, order, Respondent-Appellant Michael A. Dittmann, by undersigned counsel, moves to dismiss the appeal in No. 16-3911.

On September 9, 2016, Dittmann filed a timely appeal of a final order entered by the United States District Court for the Eastern District of Wisconsin granting a petition for a writ of habeas corpus in *Brendan Dassey v. Michael A. Dittmann*, No. 14-CV-1310. E.D. Dkt. 25. This Court docketed the appeal under No. 16-3397. 16-3397 Dkt. 1. Dittmann filed a docketing statement, filing fee, and statement on transcript in this appeal. E.D. Dkt. 25–26; 16-3397 Dkt. 3. The appeal in No. 16-3397 is currently in briefing.

On November 15, 2016, Dittmann filed an amended notice of appeal to obtain review of a November 14, 2016, order entered by the Eastern District granting

Brendan Dassey's motion for release pending the appeal. E.D. Dkt. 38. This Court docketed this appeal under No. 16-3911. 16-3911 Dkt. 1. On November 17, 2016, this Court issued an order granting Dittmann's motion to stay the district court's release order pending resolution of the appeal. 16-3397 Dkt. 22; 16-3911 Dkt. 6. On November 29, 2016, this Court ordered the parties to file a brief memorandum stating why No. 16-3911 should not be dismissed as moot. 16-3911 Dkt. 8. The order stated that a motion for voluntary dismissal under Fed. R. App. P. 42(b) would satisfy Dittmann's obligation to respond to the order. 16-3911 Dkt. 8.

Because the matter on review in No. 16-3911 has been adjudicated, No. 16-3911 is moot and should be dismissed. Undersigned counsel is authorized to state that counsel for Brendan Dassey, Laura Nirider, does not oppose this motion. Accordingly, Dittmann moves this Court to dismiss No. 16-3911.

Dated: November 29, 2016

Respectfully Submitted,

BRAD D. SCHIMEL
Attorney General

/s/ Jacob J. Wittwer
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CERTIFICATE OF SERVICE

I hereby certify that on November 29, 2016, I filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send notice of such filing to all registered CM/ECF users.

Dated: November 29, 2016

/s/ Jacob J. Wittwer

JACOB J. WITTWER