

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,
PLAINTIFF,

v.

CRIMINAL NO. 2:05CR26

AMANDA J. NICHOLS,
DEFENDANT.

UNITED STATES MOTION TO DISMISS THE APPEAL

The United States of America and Betsy C. Jividen, Acting United States Attorney for the Northern District of West Virginia, by Assistant United States Attorney Stephen D. Warner, moves this Honorable Court for an Order to dismiss the appeal in this criminal action because the defendant has failed to pursue her appeal.

WHEREFORE, the United States moves to DISMISS this case.

Dated this 27th day of January, 2010.

Respectfully submitted:

UNITED STATES OF AMERICA

Betsy C. Jividen
Acting United States Attorney

/s/ Stephen D. Warner
Stephen D. Warner
Assistant United States Attorney
Attorney Bar Number: 5900
United States Attorneys Office
P. O. Box 190
Elkins, WV 26241
Telephone: (304) 636-1739
Fax: (304) 636-1967
E-mail: steve.warner@usdoj.gov

CERTIFICATE OF SERVICE

I, Stephen D. Warner, Assistant United States Attorney for the Northern District of West Virginia, do hereby certify that the foregoing United States Motion to Dismiss The Appeal was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Patrick S. Cassidy

Timothy F. Cogan

I hereby certify that I have mailed, by United States Postal Service, to the following non-CM/ECF participants:

Dated this 27th day of January, 2010.

Respectfully submitted:

UNITED STATES OF AMERICA

Betsy C. Jividen
Acting United States Attorney

/s/ Stephen D. Warner
Stephen D. Warner
Assistant U. S. Attorney
Attorney Bar Number: 5900
United States Attorneys Office
P. O. Box 190
Elkins, WV 26241
Telephone: (304) 636-1739
Fax: (304) 636-1967
E-mail: steve.warner@usdoj.gov