

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 75-CR-26-3
No. 5:06-CV-24-F

UNITED STATES OF AMERICA

v.

JEFFREY R. MacDONALD

MOTION TO WITHDRAW

NOW COMES undersigned counsel and moves to withdraw from further representation of the Defendant, on the grounds that he was retained solely to represent Defendant with respect to matters relating to his appeal of this Court's November 4, 2008 Order, and on the grounds that he has not been retained to further represent Defendant. In support of this Motion, undersigned counsel shows unto the Court the following:

1. Undersigned counsel was originally retained to represent Defendant in November 2008 to represent Defendant solely with respect to the appeal of this Court's November 4, 2008 Order and matters relating thereto.

2. On December 1, 2008, undersigned counsel filed a notice of appearance with this Court, noting that his appearance was being made only with respect to "responding to the Government's Motion filed November 24, 2008 in this case; and also to represent Defendant in his appeal of this Court's November 4, 2008 Order in this matter." [DE-153].

3. After the decision of the Fourth Circuit Court of Appeals in this matter, and the subsequent remand of this matter to this Court, undersigned counsel no longer represents the Defendant, and has not been retained to further represent the Defendant.

4. In the Government's Opposition to Defendant's Motion to Appoint Counsel, filed today, the Government states that undersigned counsel is "listed as counsel of record on the docket of this case," [DE-194 at 4], but fails to note that undersigned counsel's Notice of Appearance states that he was retained solely for matters relating to the appeal of the November 4, 2008 Order in this case, as set out in the notice of appearance filed by undersigned counsel at DE-153.

5. Undersigned counsel files this Motion to make clear that he has not been retained to further represent Defendant after conclusion of the appeal of the November 4, 2008 Order, and to request that he be formally withdrawn as counsel of record on the docket, so that the record is clear that he no longer represents the Defendant after remand of the case to this Court..

WHEREFORE, undersigned counsel respectfully requests that this Motion be granted, and that he be withdrawn as counsel of record.

This the 24th day of October, 2011.

/s/ Joseph E. Zeszotarski, Jr.
Joseph E. Zeszotarski, Jr.
State Bar No. 21310
POYNER SPRUILL LLP
Post Office Box 1801
Raleigh, NC 27602
(919) 783-6400
Fax: (919) 783-1075
jzeszotarski@poyners.com

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing MOTION through the electronic service function of the Court's electronic filing system, as follows:

Brian M. Murtagh
Special Assistant United States Attorney

John S. Bruce
First Assistant United States Attorney
310 New Bern Avenue
Raleigh, NC 27601

This the 24th day of October, 2011.

/s/ Joseph E. Zeszotarski, Jr.
Counsel for Defendant