

**IN THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT**

TAYR K. AL GHASHIYAH)	
f/n/as Casteel)	
<i>Plaintiff-Appellant,</i>)	
and)	No. 03-2193
UNITED STATES OF AMERICA)	
<i>Intervening Plaintiff,</i>)	Response To Seventh
)	Circuit’s Order To
v.)	Respond; Renewed
)	Motion To Voluntary
WISCONSIN DEPARTMENT OF CORRECTIONS, et al.)	Withdraw; Notice Of
<i>Defendants-Appellees.</i>)	Withdrawal Of Counsel
_____)	

BACKGROUND

On March 26, 2003, Plaintiff-Appellant Tayr K. al Ghashiyah (“Appellant”) filed a Notice of Interlocutory Appeal with this Court to appeal the District Court’s order finding Section 3 of the Religious Land Use and Institutionalized Persons Act of 2000 (“RLUIPA”), 42 U.S.C. § 2000cc-1(a), to be unconstitutional. On April 25, 2003, this Court granted the motion to appeal pursuant to 28 U.S.C. § 1292(b).

On September 15, 2003, Appellant, without notifying counsel, filed a Motion to Voluntary Withdraw with this Court, requesting a withdrawal of the interlocutory appeal. This Court subsequently denied without prejudice Appellant’s original motion to withdraw, subject to “renewal by counsel.” Appellant, again without notifying counsel, responded with a letter filed October 6, 2003 renewing the motion to withdraw and asserting that counsel had failed “to communicate with the plaintiff related to this appeal.” Appellant further stated that counsel had been “released” for not providing him with briefs or other information relating to the appeal. On October 10, 2003, this Court instructed the undersigned counsel to file a response to Appellant’s motion. On October

16, 2003, at undersigned counsel's request, the Seventh Circuit provided counsel with copies of Appellant's two requests to withdraw his appeal.

RESPONSE TO SEVENTH CIRCUIT'S ORDER TO RESPOND

Since undertaking representation of Appellant for the specific and limited purpose of pursuing his interlocutory appeal of the district court's order holding unconstitutional Section 3 of RLUIPA, counsel has diligently pursued this representation and provided copies of all pertinent filings to Appellant. For example, on August 5, 2003, counsel sent Appellant a letter advising him of the status of the case, along with a docket report and all other materials relating to the appeal. On October 8, 2003, after learning for the first time of Appellant's attempt to withdraw the appeal, counsel contacted Appellant via telephone. Upon notice that Appellant had not received the August 5, 2003 letter and materials, counsel promptly contacted the Green Bay Correctional Institution mailroom to inquire as to the whereabouts of the material and to ensure the receipt of legal mail in the future. The mail room sergeant assured counsel that the mailroom would ensure that Appellant received attorney-client mail in the future. Counsel then resent the August 5, 2003 materials that same day, along with a letter summarizing the telephone conversations (with both Appellant and the mail room sergeant) and providing advice concerning the merits of attempting to withdraw the appeal.

RENEWED MOTION TO VOLUNTARY WITHDRAW

Undersigned counsel contacted Appellant via telephone on October 16, 2003 to discuss Appellant's renewed October 6, 2003 request to withdraw his appeal. Appellant informed counsel that he desired to withdraw this appeal and terminate the attorney-client relationship. Accordingly, counsel respectfully requests this Court to grant Appellant's

motion to withdraw his appeal for the reasons stated in Appellant's September 15, 2003 filing with this Court.

NOTICE OF WITHDRAWAL OF COUNSEL

Because Appellant has terminated the attorney-client relationship and because counsel's representation was limited to pursuing this interlocutory appeal, counsel hereby provides notice that the Becket Fund for Religious Liberty no longer represents Appellant.

Respectfully submitted,

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October 17, 2003