

Jeffrey A. Martinovich
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757-407-8194

January 29, 2021

Clerk of Courts
U.S. Courthouse
600 Granby Street
Norfolk, VA 23510

Re: Martinovich v. United States [4:15cr50/4:18cv27]

Dear Clerk:

I first sent in the enclosed Motion to Rescind on January 16, 2021, as well as service to U.S. Attorneys Office, yet Ms. Tammy Armstrong today says this has not arrived. So, enclosed is a copy of the original plus a newly wet signature and date, if necessary, hand delivered to the Courthouse.

Please process and docket at your earliest convenience. I believe you have already updated my address.

Thank you very much for your assistance.

Sincerely,


Jeffrey A. Martinovich

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

JEFFREY A. MARTINOVICH, Petitioner,)	Case Nos. 4:15cr50/4:18cv27
)	[REDACTED]
v.)	Honorable Chief Judge Mark S. Davis
)	
UNITED STATES, Respondent)	

MOTION TO RESCIND AND WITHDRAWAL PETITIONER'S MOTION TO VACATE, SET ASIDE, OR CORRECT A SENTENCE PURSUANT TO 28 U.S.C. SEC. 2255

NOW HERE COMES Jeffrey A. Martinovich, proceeding pro se and in forma pauperis, in a Motion and Notice to respectfully request this Honorable Court Grant Rescission and Withdrawal of Petitioner's Motion to Vacate, Set Aside, or Correct a Sentence Pursuant to 28 U.S.C. Sec. 2255, and any and all collateral appeals and Hearings.

NOTICE TO WITHDRAWAL

Mr. Martinovich, by another miracle, has recently discovered that he will soon be a father, again, with a due date of September 13, 2021. Based on the unexpected and before thought implausible outcomes of his trial proceedings, reversals, violent incarceration, confidential proceedings, and re-sentencings, Mr. Martinovich cannot now afford to continue his pursuit of truth and restoration of stakeholders.

When Mr. Martinovich, along with his attorneys' concurrence, rejected three Government plea offers in pursuit of the truth and ability to re-establish his shareholders, his only son was entering college, was fully prepared for the world, and was consulted in this decision. Now, Mr. Martinovich does not have the luxury to defend himself and fight for the current restoration of his stakeholders. The possible and potentially extraordinary outcomes of further proceedings

effectively dissuade Mr. Martinovich from pursuing this case further. Mr. Martinovich must choose a humble and conceded existence over the next five years of home confinement, one in which he will not be able, or be required, to restore his stakeholders.

Although Mr. Martinovich's recent Motions to enable positive restoration for all parties were denied [Doc. 163], he prays this Honorable Court will soon see a restorative path forward and grant Compassionate Release and/or Sentence Reduction [Docs. 156, 162, 162], in order that Mr. Martinovich may satisfy his final punishment and remedy. Mr. Martinovich's Motions, along with the submissions of previous clients, past shareholders, and current associates, show clear evidence and support for his ability and proclivity to restore his stakeholders concurrently, if permitted to do so.

LEGAL SUPPORT

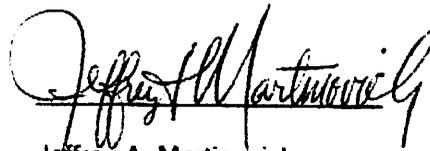
1. Mr. Martinovich has filed a timely Notice as he discovered this intervening variable on New Year's Eve, December 31, 2020., has requested withdrawal before resting his Petition, and the Government has filed no counterclaim. [F.R.C.P. 41(a)(2)].
2. The Government has repeatedly opposed the initiation and the continuation of this Petition. [Docs. 159, 120; Doc. 31 (18-7061); Doc. 65 (16-4647); et al.].
3. The previous Honorable Court for the Eastern District of Virginia has repeatedly opposed and denied the initiation and the continuation of this Petition. [Docs. 70, 88, 92, 94, et al.].

CONCLUSION AND REMEDY

Mr. Martinovich respectfully requests this Honorable Court permit withdrawal and recission of this Motion to Vacate, Set Aside, or Correct a Sentence Pursuant to 28 U.S.C. Sec. 2255 and any and all collateral appeals and hearings.

With great respect,

Date: 1/16/2021

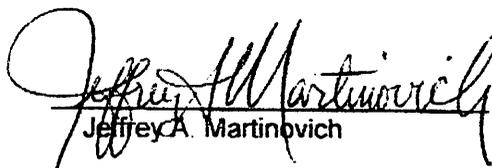

Jeffrey A. Martinovich, pro se

I, Jeffrey A. Martinovich, proceeding pro se, submit under the penalty of perjury pursuant to 28 U.S.C. Sec 1746, that the above is true and correct to the best of my knowledge, and that a true and correct copy of this Motion has been mailed with sufficient first-class postage on

1/16/21 to:

U.S. Attorneys Office
Attn: Mr. Brian Samuels, AUSA
101 W. Main St., Suite 8000
Norfolk, VA 23510

Date: 01/16/2021


Jeffrey A. Martinovich

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

JEFFREY A. MARTINOVICH,)	
Petitioner,)	Case Nos. 4:15cr50/4:18cv27
)	
v.)	Honorable Chief Judge Mark S. Davis
)	
UNITED STATES,)	
Respondent)	

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3. The previous Honorable Court for the Eastern District of Virginia has repeatedly opposed and denied the initiation and the continuation of this Petition. [Docs. 70, 88, 92, 94, et al.].

CONCLUSION AND REMEDY

Mr. Martinovich respectfully requests this Honorable Court permit withdrawal and rescission of this Motion to Vacate, Set Aside, or Correct a Sentence Pursuant to 28 U.S.C. Sec. 2255 and any and all collateral appeals and hearings.

With great respect,

Date: 01/29/21


Jeffrey A. Martinovich, pro se

AFFIDAVIT AND CERTIFICATE OF SERVICE

I, Jeffrey A. Martinovich, proceeding pro se, submit under the penalty of perjury pursuant to 28 U.S.C. Sec 1746, that the above is true and correct to the best of my knowledge, and that a true and correct copy of this Motion has been mailed with sufficient first-class postage on

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U.S. Attorneys Office
Attn: Mr. Brian Samuels, AUSA
101 W. Main St., Suite 8000
Norfolk, VA 23510

cc 1/16/21 JAM

Date: _____

Jeffrey A. Martinovich