

**IN THE UNITED STATES COURT OF APPEALS
FOR VETERANS CLAIMS**

FREDDIE L. DAVIS,
Petitioner,

v.

ROBERT L. WILKIE,
Secretary of Veterans Affairs,
Respondent.

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Vet.App. No. 19-8965

**PETITIONER'S UNOPPOSED MOTION TO WITHDRAW THE
INSTANT PETITION FOR A WRIT OF MANDAMUS**

Petitioner moves this Court, pursuant to U. S. Vet App. Rule 42 to withdraw the instant petition for a writ of mandamus.

On December 20, 2019, the petitioner, acting *pro se*, filed a petition for a writ of mandamus, requesting that the Court take ten (10) actions on his behalf. The Court ordered the Secretary to respond to the arguments. Subsequent to the order, but prior to the Secretary's response, the undersigned was retained, *pro bono*, to represent and assist the petitioner. After a thorough review of the history of the case, the petitioner was made aware of, and instituted, procedures within the Veterans Health Administration for an internal administrative review. Following an initial review by the Veterans Health Administration, there remains only one aspect of petitioner's complaints that needs to be resolved. Petitioner has instituted an additional administrative appeal regarding that one action. The time for the Veterans Health Administration to investigate and rule on that appeal has not elapsed.

The petitioner acknowledges that the present action is premature, and respectfully moves this Court to allow him to withdraw the instant petition, without prejudice.

Counsel for the Secretary has been contacted via e-mail and is unopposed to this motion.

WHEREFORE, Petitioner respectfully moves this Court to allow him to withdraw the instant petition.

Respectfully submitted,

Dated: Hauppauge, NY
April 27, 2020

/s/ Harry J. Binder

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