

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
<b>v.</b>	)	<b>Civil No. 04-3067-KHV</b>
	)	
<b>RALPH MERCADO,</b>	)	<b>Criminal No. 01-20147-01-KHV</b>
	)	
<b>Defendant.</b>	)	
_____	)	

**ORDER**

Plaintiff seeks relief under 28 U.S.C. § 2255 based on ineffective assistance of counsel. See Motion Under 28 U.S.C. § 2255 To Vacate, Set Aside, Or Correct Sentence By A Person In Custody (Doc. #54) filed February 25, 2004. On June 16, 2005, the Court ordered that on or before July 18, 2005, plaintiff show cause in writing why the Court should not overrule his motion based on insufficient evidence. Plaintiff did not file a response. For this reason, and for the reasons stated in the Memorandum And Order (Doc. #97) filed February 8, 2005, the Court overrules plaintiff's motion.

**IT IS THEREFORE ORDERED** that the Motion Under 28 U.S.C. § 2255 To Vacate, Set Aside, Or Correct Sentence By A Person In Custody (Doc. #54) filed February 25, 2004 be and hereby is **OVERRULED**.

Dated this 10th day of August, 2005 at Kansas City, Kansas.

s/ Kathryn H. Vratil  
Kathryn H. Vratil  
United States District Judge