

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHRISTOPHER ALAN EDWARDS,

Defendant.

**CRIMINAL ACTION
No. 02-cm-20037-KHV**

ORDER

This matter comes before the Court on the Motion For Leave To Withdraw (Doc. #28) which defense counsel filed November 10, 2005. Pursuant to D. Kan. Rule 83.5.5, an attorney who seeks to withdraw must serve the motion “either personally or by certified mail, restricted delivery, with return receipt requested on the withdrawing attorney’s client.” In addition, the attorney must file with the Clerk “[p]roof of personal service or the certified mail receipt, signed by the client, or a showing satisfactory to the court that the signature of the client could not be obtained.”

In support of their motion, counsel stated that they served a copy of the motion on defendant by certified mail and that they would file the certified mail receipt when they received it. On December 15, 2005, counsel filed a certified mail receipt which indicates that the mail was unclaimed and returned to sender. See Doc. #30. Counsel have not shown that they served the motion either personally or by certified mail, or that the signature of their client cannot be obtained. Accordingly, the Court overrules their motion to withdraw.

IT IS THEREFORE ORDERED that the Motion For Leave To Withdraw (Doc. #28) which defense counsel filed November 10, 2005 be and hereby is **OVERRULED**.

Dated this 12th day of January, 2006 at Kansas City, Kansas.

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