

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

WAALEE D. FAJRI,

Defendant.

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CRIMINAL ACTION

No. 02-20065-KHV

ORDER

On August 10, 2007, the Court overruled defendant's *pro se* motion for reconsideration of the sentence which it imposed after defendant stipulated to multiple violations of his conditions of supervised release. See Memorandum And Order (Doc. #54). Specifically, the Court noted that defendant is represented by counsel and is not entitled to file *pro se* motions outside of those asserting a complete breakdown in attorney-client communication or a desire to proceed *pro se*. Id. at 2. After reviewing defendant's motion, the Court noted that the only possibly relevant point of contention involved defendant's allegation that his attorney did not depose witnesses as defendant requested prior to his revocation hearing. Id. at 3. Ultimately, the Court concluded that defendant had not demonstrated a complete breakdown in attorney-client communication and overruled his motion for reconsideration. Id. at 3-4.

This matter comes before the Court on Defendant's Motion Seeking Action, Relief And Clarity Of Rights For Motion – Reconsideration (Doc. #59) filed August 17, 2007, which the Court construes as a second motion for reconsideration of defendant's sentence. The second motion is not meaningfully different from defendant's first motion, but defendant has now clarified that he

requested his attorney depose United States Probation Officer Marlin Carlson before the revocation hearing. After reviewing defendant's motion, and for substantially the reasons set forth in its order on defendant's first motion for reconsideration, the Court remains unconvinced that despite the alleged failure to depose Officer Carlson, a complete breakdown in communication exists between defendant and his attorney. Because the *pro se* motion is inappropriate, the Court overrules Defendant's Motion Seeking Action, Relief And Clarity Of Rights For Motion – Reconsideration (Doc. #59) filed August 17, 2007, which the Court construes as a second motion for reconsideration of defendant's sentence.

IT IS SO ORDERED.

Dated this 20th day of August, 2007 at Kansas City, Kansas.

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