

IT IS THEREFORE ORDERED that, on the court's own motion, the court's March 8, 2006 Memorandum and Order denying defendant's Motion Pursuant to 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence By a Person in Federal Custody is vacated in part. Defendant is entitled to a hearing, to be set by subsequent order, on whether his counsel was ineffective in failing to file an appeal.

Dated this 30th day of March 2006, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge