

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

United States of America,

Plaintiff/Respondent,

v.

**Case No. 03-20156-JWL
05-3090-JWL**

Seneca Williams,

Defendant/Petitioner.

ORDER

On November 28, 2005, the court held an evidentiary hearing on Mr. Williams' claim, set forth in his motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255, that he received ineffective assistance of counsel based on his counsel's purported failure to file a notice of appeal. After considering the evidence presented at the hearing, the court denied Mr. Williams' motion to vacate with respect to that claim and retained all other claims asserted in the motion to vacate under advisement pending resolution of the government's motion to enforce the plea agreement and waiver of rights executed by Mr. Williams. Toward that end, the court ordered Mr. Williams to file his response to the government's motion on or before December 28, 2005 and ordered the government to reply to Mr. Williams' response on or before January 27, 2006.

Mr. Williams' December 28, 2005 deadline passed and the court received no response from Mr. Williams. In an abundance of caution, the court issued an order notifying Mr. Williams that if the court did not receive a response from him dated no later than January 13, 2006, it would grant the government's motion to enforce as unopposed and summarily dismiss his motion to

vacate. The January deadline has now passed and defendant again has not responded to the motion to enforce the plea agreement. Thus, the court grants the government's motion to enforce defendant's plea agreement (doc. #25) as unopposed. In light of that ruling, defendant's motion to vacate his sentence pursuant to 28 U.S.C. § 2255 (doc. #23) is denied.

IT IS SO ORDERED.

Dated this 27th day of January, 2006, at Kansas City, Kansas.

s/ John W. Lungstrum

John W. Lungstrum

United States District Judge