

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

UNITED STATES OF AMERICA,)
)
) **Plaintiff,**)
)
 v.)
)
) **DEMETRIUS HARGROVE,**)
)
) **Defendant.**)
_____)

CRIMINAL ACTION

No. 03-20192-CM

ORDER

This matter comes before the court on Demetrius Hargrove's Request to Disqualify, Due to Racial Prejudice, Venireperson 167 (Doc. 214) and Demetrius Hargrove's Notice Regarding the Joint Request of the Parties to Strike for Hardship Venireperson 160, George Lowe (Doc. 269). Defendant asks the court to strike Venireperson 167 for cause because he demonstrated animus toward African-American persons in his answers to the Juror Questionnaire. The court finds that several of Venireperson 167's answers are inconsistent, and determines that the proper course of action is to inquire further as to his ability to be fair and impartial. If the court determines, after further questioning, that Venireperson 167 possesses racial prejudice or bias, the court will strike him for cause at that time. The court denies the motion to strike Venireperson 167 without prejudice (Doc. 214).

The court has also reviewed the parties' joint request to strike Venireperson 160 for hardship, and grants the motion (Doc. 269).

Dated this 20th day of September 2005, at Kansas City, Kansas.

s/ Carlos Murguia _____
CARLOS MURGUIA
United States District Judge