

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

Vs.

No. 03-40112-01-SAC

ARTHUR WILLIAMS, JR.,

Defendant/Petitioner.

MEMORANDUM AND ORDER

The defendant/petitioner Arthur Williams has filed a “Motion for Record” in which he seeks various “*Brady, Giglio, and Bagley* material” to assist him in preparing his “certificate of criteria to the supreme court and/or to prepare his § 2255.” (Dk. 46). The defendant was charged on September 19, 2003, with three counts of distributing cocaine base. He pleaded guilty to the first count and received a sentence of 70-months imprisonment. The defendant appealed his sentence, and the Tenth Circuit affirmed and entered judgment on December 19, 2005. The Tenth Circuit’s docket reflects that the defendant has petitioned the United

States Supreme Court for a writ of certiorari.

The defendant's motion appears to be based on boilerplate language borrowed from an unrelated case, as the requested records relate to an unidentified person of female gender. Such material is generally a matter exclusively addressed in pretrial discovery. Obviously, these records about some unknown woman are plainly not relevant to the sentencing issues the defendant raised on direct appeal or any proper issues the defendant could raise before the United States Supreme Court. The defendant has not yet filed a motion pursuant to 28 U.S.C. § 2255 nor proffered any legal or factual basis for seeking such relief. The defendant has not shown he is entitled to these documents at this time. *See United States v. Lewis*, 1994 WL 262693 (D. Kan. 1994).

IT IS THEREFORE ORDERED that the defendant's motion for record (Dk. 46) is denied.

Dated this 4th day of April, 2006, Topeka, Kansas.

s/ Sam A. Crow
Sam A. Crow, U.S. District Senior Judge