

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	CRIMINAL ACTION
v.)	
)	No. 04-20044-01-KHV
ANDRE IVORY,)	
)	
Defendant.)	
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MEMORANDUM AND ORDER

On February 1, 2022, the Court sustained in part defendant’s motion for compassionate release and reduced his controlling sentence from life in prison to 360 months in prison and a special term of supervised release of 60 months of home confinement. This matter is before the Court on defendant’s Motion For Clarification/Notice Of Appeal (Doc. #627) filed May 9, 2022.

The Court declines to consider defendant’s pro se motion to clarify because defendant is represented by counsel who did not sign the document. See United States v. Sandoval-DeLao, 283 F. App’x 621, 625 (10th Cir. 2008) (no error in refusal to consider pro se motion when defendant represented by counsel); United States v. McKinley, 58 F.3d 1475, 1480 (10th Cir. 1995) (no constitutional right to hybrid form of representation). On the other hand, defendant may file a pro se notice of appeal. The Clerk originally docketed defendant’s filing only as a motion for clarification. Accordingly, the Clerk is directed to re-docket defendant’s Motion For Clarification/Notice Of Appeal (Doc. #627) as both a motion for clarification and a notice of appeal, and process defendant’s notice of appeal as being filed on May 9, 2022.

IT IS THEREFORE ORDERED that the Clerk is directed to re-docket defendant’s Motion For Clarification/Notice Of Appeal (Doc. #627) as both a motion for clarification and a

notice of appeal, and process defendant's notice of appeal as being filed on May 9, 2022.

IT IS FURTHER ORDERED that defendant's Motion For Clarification/Notice Of Appeal (Doc. #627) filed May 9, 2022 is **OVERRULED**.

Dated this 17th day of May, 2022 at Kansas City, Kansas.

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