

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 04-40107-01
10-4134-RDR

JERRY L. ROBINSON,

Defendant.

O R D E R

The court recently directed the government to file a response to the defendant's pro se motion to vacate, set aside or correct sentence pursuant to 29 U.S.C. § 2255. At that time, the court established an abbreviated briefing schedule. In that order, the court also indicated that it would consider the appointment of counsel for the defendant following the filing of the government's response. The government filed its response on November 12, 2010. In examining the file, the court notes that the defendant had retained counsel during the original proceedings of this case. The court further notes that the defendant did not request appointed counsel in his § 2255 motion. Accordingly, the court shall not appoint counsel at this time. The court has given the defendant ten days from the date of the filing of the government's response to file a reply. If the defendant seeks appointed counsel, he should make such a request in his reply and submit a financial affidavit in support. If he makes no such request, the court will

determine the § 2255 motion on the briefs filed by the parties.

IT IS SO ORDERED.

Dated this 16th day of November, 2010 at Topeka, Kansas.

s/Richard D. Rogers
United States District Judge