

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

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

JERRY L. ROBINSON,

Defendant.

The court previously asked the defendant to indicate whether he sought appointment of counsel in this case. The court has recently received such a request from the defendant. In support of his request, he provided a financial affidavit. Having reviewed the request and affidavit, the court shall appoint counsel for the defendant for his motion pursuant to 28 U.S.C. § 2255. The court shall appoint Michael Jackson to represent the defendant.

The court directs the defendant, through his recently appointed counsel, to file a reply to the government's response within ten days of the date of this order. In that reply, the defendant should provide the court with his view on the Tenth Circuit's recent opinion in United States v. Frownfelter, No. 09-4211 (10th Cir. 12/1/10) in addition to responding to the arguments raised by the government in its response. The court further directs the government to file a sur-reply within ten days of the filing of the defendant's reply. The court also wants to hear from the government on its views of the impact of Frownfelter on this

case.

IT IS THEREFORE ORDERED that Michael Jackson be hereby appointed to represent the defendant in this action.

IT IS FURTHER ORDERED that the defendant file a reply to the government's response within ten days of the date of this order. The defendant should address United States v. Frownfelter, No. 09-4211 (10th Cir. 12/1/10) in that reply.

IT IS FURTHER ORDERED that the government file a sur-reply to the defendant's reply within ten days of the filing of the reply. The government should also address United States v. Frownfelter, No. 09-4211 (10th Cir. 12/1/10) in that sur-reply.

IT IS SO ORDERED.

Dated this 2nd day of December, 2010 at Topeka, Kansas.

s/Richard D. Rogers
United States District Judge