

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	<b>Case No.</b> 05-10042-01
	)	
v.	)	<b>No.</b> 06-3097-MLB
	)	
VERONICA E. MARTINEZ,	)	
	)	
Defendant.	)	
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**MEMORANDUM AND ORDER**

Before the court is defendant's motion pursuant to 28 U.S.C. § 2255 (Doc. 15).

On August 1, 2005, defendant entered a plea of guilty pursuant to a written plea agreement to interstate travel in aid of racketeering in violation of 18 U.S.C. § 1952(a)(3). The plea agreement contained a § 2255 waiver. Notwithstanding the waiver, defendant has filed a § 2255 motion making the following claims:

1. The court lacked subject matter and in personam jurisdiction of defendant because she is not a citizen;
2. The United States failed to provide discovery;
3. The judgment and commitment is not valid because it is not certified; and
4. "Without THE charging document, the U.S. has no evidence of record to prove its claim."

Defendant has not sought leave to proceed in forma pauperis but assuming that she had done so, her motion is subject to dismissal pursuant to 28 U.S.C. § 1915(3)(2)(B)(ii) because it fails to state a claim on which relief may be granted.

Motion dismissed.

IT IS SO ORDERED.

Dated this 7th day of April 2006, at Wichita, Kansas.

s/ Monti Belot

Monti L. Belot

UNITED STATES DISTRICT JUDGE