

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	No. 05-10183-JTM
)	
JESUS FAJARDO-ZAMORA,)	
)	
Defendant.)	
_____)	

MEMORANDUM AND ORDER

This matter is before the court on the defendant Jesus Fajardo-Zamora's motion for appointment of new counsel to represent him in his appeal. Fajardo-Zamora's motion was filed on May 5, 2006. (Dkt. No. 30). The notice of appeal was filed on April 6, 2006. (Dkt. No. 20). Defendant's motion is denied since the court is without jurisdiction to grant the relief sought. "The appointment of counsel for purposes of appeal is a matter within the jurisdiction of the Court of Appeals." *Heffington v. District Court of Sedgwick County*, No. 05-4028-SAC, 2005 WL 2989272, at *1 (D.Kan. Oct. 27, 2005) (*citing Gilmore v. Gregg*, 1993 WL 245990, *1 (D.Kan.1993)).

IT IS ACCORDINGLY ORDERED this 27th day of June, 2006, that the defendant's motion for appointment of new counsel (Dkt. No. 30) is hereby denied.

s/ J. Thomas Marten
J. THOMAS MARTEN, JUDGE