

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

**Case Nos. 05-3466-JWL
 05-20061-JWL**

RONALD E. RANDALL,

Defendant/Movant.

MEMORANDUM AND ORDER

Defendant Ronald E. Randall pleaded guilty to one count of bank robbery and was sentenced to fifty-seven months' imprisonment. This matter comes before the court on Mr. Randall's motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 (doc. 32). Only five days after judgment was entered, Mr. Randall filed his notice of direct appeal on November 8, 2005. He filed the current § 2255 motion on December 13, 2005. Mr. Randall's appeal is still pending before the Tenth Circuit. "Absent extraordinary circumstances, the orderly administration of criminal justice precludes a district court from considering a § 2255 motion while review of the direct appeal is still pending." *United States v. Scott*, 124 F.3d 1328, 1330 (10th Cir. 1997); accord *United States v. Cook*, 997 F.2d 1312, 1319 (10th Cir. 1993). In this case, Mr. Randall has not demonstrated any such extraordinary circumstances.

IT IS THEREFORE ORDERED BY THE COURT that Mr. Randall's motion to

vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 (doc. 23) is denied without prejudice to be renewed after the Tenth Circuit has considered his appeal.

IT IS SO ORDERED this 15th day of March, 2006.

s/ John W. Lungstrum
John W. Lungstrum
United States District Judge