

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

**UNITED STATES OF AMERICA,** )  
 )  
 ) **Plaintiff,** )  
 )  
**v.** )  
 )  
**ALBERTO PEREZ-JACOME,** )  
 )  
 ) **Defendant.** )  
\_\_\_\_\_ )

**CRIMINAL ACTION**

**No. 06-20021-12-JWL**

**ORDER**

On February 17, 2009, the Honorable John W. Lungstrum sentenced defendant to 132 months in prison. On February 26, 2009, defendant filed a notice of appeal. This matter is before the Court on correspondence (Doc. #612) which the undersigned judge received from defendant on May 8, 2009. In that correspondence, defendant asks the undersigned judge to address concerns about the handling of his case.

As Chief Judge and a judge who was previously assigned to defendant's case, this judge has no authority to take action in defendant's case. Section 137 of Title 28 of the United States Code governs the distribution of case filings among district judges and provides, in relevant part:

**Division of business among district judges**

The business of a court having more than one judge shall be divided among the judges as provided by the rules and orders of the court.

The chief judge of the district court shall be responsible for the observance of such rules and orders, and shall divide the business and assign the cases so far as such rules and orders do not otherwise prescribe.

This statute does not grant either express or implied authority to a chief judge to take action in litigation which has been assigned to another judge of the court and remains pending before that judicial officer.

United States v. Heath, 103 F. Supp. 1, 2 (D. Haw. 1952) (order of chief judge filed after criminal case assigned to another judge was void). Rather, it is the duty of the chief judge “to insure that the agreed upon rules are enforced and are administered so as to carry out their purposes.” Utah-Idaho Sugar Co. v. Ritter, 461 F.2d 1100, 1103 (10th Cir. 1972).

The relief sought by defendant would require an improper intrusion into the administration of an action pending before another judicial officer. Accordingly, the Chief Judge will not take formal action on plaintiff’s correspondence.

Dated this 15th day of May, 2009 at Kansas City, Kansas.

s/ Kathryn H. Vratil  
Kathryn H. Vratil  
United States District Judge