IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	CIVIL ACTION
v.)	
)	No. 07-2437-CM
)	No. 06-20091-CM
MARIO ALBERTO BUENO-MARTINEZ,)	
)	
Defendant.)	
	_)	

MEMORANDUM AND ORDER

Defendant Mario Alberto Bueno-Martinez pleaded guilty to one count of illegal reentry of a deported alien previously convicted of an aggravated felony in violation of 8 U.S.C. § 1326(a)(1) and (2) and (b)(2). He appealed his sentence, arguing that it was unreasonable under the 18 U.S.C. § 3553(a) sentencing factors. The Tenth Circuit affirmed, and the case is now before the court on defendant's Petition under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Doc. 35). In his petition, defendant states that he now "comprehend[s] all the mistakes my lawyer did in my case and several things he never let me know." He alleges that he was denied effective assistance of counsel. But when asked to briefly discuss the facts supporting his claim, petitioner did not specify in what way his counsel was ineffective. In fact, the only paragraph in support of his claim does not mention his counsel's actions at all. It reads as follows, ending mid-sentence: "The Supreme Court stated: Without the mandatory provision[,] the Act nonetheless requires judges to take account of the guidelines together with other[] sentencing goals. *Booker* 343 U.S. at 259, 125 S. Ct. at 764. Thereafter the court went on to say:"

A conclusory allegation that counsel was ineffective is insufficient to warrant habeas relief,

even when a defendant proceeds *pro se*. *United States v. Fisher*, 38 F.3d 1144, 1147 (10th Cir. 1994). Construing defendant's petition liberally, as the court must, there are no factual allegations in the petition to support his claim for relief.

IT IS THEREFORE ORDERED that the Petition under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Doc. 35) is denied.

Dated this 20th day of November 2007, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge