

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