

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARCO ANTONIO NUNEZ-RAMOS,

Defendant.

Case No. 06-20141

MEMORANDUM AND ORDER

Defendant Marco Antonio Nunez-Ramos pleaded guilty in 2007 to one count of possession with intent to distribute methamphetamine (doc. 18). He was sentenced to 235 months in prison (doc. 49). Mr. Nunez-Ramos appealed to the Tenth Circuit, but his appeal was dismissed (doc. 53). Mr. Nunez-Ramos then filed a motion to vacate his sentence pursuant to 28 U.S.C. § 2255 (doc. 56), but that motion was dismissed (doc. 73) in light of the waiver included in Mr. Nunez-Ramos's plea agreement.

Earlier this year, nearly sixteen months after the court dismissed Mr. Nunez-Ramos's § 2255, he began filing a variety of pro se motions. Two motions to quash (docs. 74 & 76) were denied as frivolous (docs. 75 & 77). The court then entered an order (doc. 96) denying several more motions asking for documents (doc. 78), release of vessel (doc. 83), relief from judgment (doc. 89), and enforcement of a judgment (doc. 95).

Mr. Nunez-Ramos has now filed a motion he titled “Administrative Notice and Demand for Identification and Credentials = Claim No. 7009 0080 0000 2668 9230 = in the Nature of Quo Warranto” (doc. 97). Although presented as a motion seeking quo warranto relief,¹ the motion is instead another request for documents. This time, Mr. Nunez-Ramos asks the court to send him its oath of office, officer affidavit, employee affidavit, surety bond, and registration. Given that Mr. Nunez-Ramos does not currently have a nonfrivolous claim properly presented to this court, he is not entitled to the documents he seeks. *See, e.g.,* 28 U.S.C. § 753(f); *see also Nortonsen*, 2006 WL 1086437, at *1 (holding that post-conviction prisoners do not have an automatic right to free copies of court documents and concluding that they must first demonstrate a nonfrivolous claim); *Lewis*, 1994 WL 563442, at *1 (applying the § 753(f) standard to a defendant’s request for documents).

¹ Kansas statutory law provides for quo warrant actions when “any person shall usurp, intrude into or unlawfully hold or exercise any public office.” Kan. Stat. Ann. 60-1202. An action in quo warranto is the proper vehicle, for example, for inquiring “into a person’s authority to practice law.” *McCormick v. City of Lawrence, Kansas*, 253 F. Supp .2d 1156, 1161 (D. Kan. 2003) (quotation marks and citations omitted). However, having the Attorney General bring an action is the preferred method. *Id.* Moreover, “[t]he regulation of the practice of law is a state matter, and the Tenth Circuit recently held that an action to enjoin the unauthorized practice of law did not fall within the federal district court’s federal question jurisdiction.” *Kansas ex rel. Kline v. Price*, No. 06-4082, 2006 WL 2795492, at *1 (D. Kan. Sept. 26, 2006) (citing *New Mexico ex rel. Stein v. Western Estate Servs., Inc.*, 139 Fed. Appx. 37, 38 (10th Cir. June 29, 2005)).

IT IS THEREFORE ORDERED BY THE COURT that defendant's motion
(doc. 97) is denied.

IT IS SO ORDERED this 21st day of July, 2011.

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