

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CRIMINAL ACTION
)	
v.)	No. 07-20006-02-KHV
)	
JAMES Z. HENRY,)	
)	
Defendant.)	
_____)	

MEMORANDUM AND ORDER

On February 29, 2016, Kirk Redmond of the Office of the Federal Public Defender entered an appearance to represent defendant on his motion to vacate sentence under 28 U.S.C. § 2255. This matter is before the Court on defendant's pro se Motion To Amend 28 USC 2255(f)(3) Based On Mathis v. United States (Doc. #128) filed March 24, 2017 and his pro se Traverse Response To Government's Motion To Dismiss (Doc. #131) filed April 6, 2017. The Court overrules defendant's pro se motion and declines to consider his traverse to the government's motion to dismiss because defendant is represented by counsel who did not sign either document. See United States v. Sandoval-DeLao, 283 F. App'x 621, 625 (10th Cir. 2008) (no error in refusal to consider pro se motion when defendant represented by counsel); United States v. Castellon, 218 F. App'x 775, 780 (10th Cir. 2007) (if criminal defendant represented by counsel, court does not accept pro se filings); United States v. McKinley, 58 F.3d 1475, 1480 (10th Cir. 1995) (no constitutional right to hybrid form of representation).

IT IS THEREFORE ORDERED that defendant's pro se Motion To Amend 28 USC 2255(f)(3) Based On Mathis v. United States (Doc. #128) filed March 24, 2017 is **OVERRULED**.

IT IS FURTHER ORDERED that on or before April 21, 2017, defendant through his counsel may file a response to the Government's Motion To Dismiss (Doc. #129) filed March 24, 2017. On or before April 28, 2017, the government may file a reply.

IT IS SO ORDERED.

Dated this 11th day of April, 2017 at Kansas City, Kansas.

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