

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
v.)	CRIMINAL ACTION
)	
JOSE LOPEZ,)	No. 07-20122-02-KHV
)	
Defendant.)	
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ORDER

On December 16, 2009, the Court sentenced defendant. That same day, defendant filed a notice of appeal. See Doc. #163. This matter is before the Court on defense counsel’s Motion To Withdraw (Doc. #159) filed December 15, 2009. Tenth Circuit Rule 46.3(a) provides that “[t]rial counsel must continue to represent the defendant until either the time for appeal has elapsed and no appeal has been taken or this court has relieved counsel of that duty.” Rule 46.3(a) also notes that an attorney who files a notice of appeal in a criminal case has entered an appearance and may not withdraw without the permission of the Tenth Circuit. Under the rule, the district court has no authority to relieve counsel of his duty and/or appoint new counsel.

IT IS THEREFORE ORDERED that defense counsel’s Motion To Withdraw (Doc. #159) filed December 15, 2009 be and hereby is **OVERRULED**.

Dated this 30th day of December, 2009, at Kansas City, Kansas.

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