

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

**United States of America,**

**Plaintiff,**

**v.**

**Case No. 07-20168-22-JWL**

**Keith McDaniel,**

**Defendant.**

**MEMORANDUM & ORDER**

In April 2018, this court denied on the merits Mr. McDaniel's motion for an order requiring the government to produce grand jury transcripts pursuant to Federal Rule of Criminal Procedure 6(e)(3)(E)(ii). The court then summarily denied Mr. McDaniel's motion to reconsider that order. Mr. McDaniel filed an appeal and the Tenth Circuit held that this court lacked jurisdiction to consider Mr. McDaniel's motions. The Circuit vacated the court's orders denying Mr. McDaniel's Rule 6(e)(3)(E)(ii) motion and motion for reconsideration and remanded with instructions to dismiss those motions.

The court, then, hereby dismisses Mr. McDaniel's Rule 6(e)(3)(E)(ii) motion for lack of jurisdiction and dismisses Mr. McDaniel's motion for reconsideration for lack of jurisdiction.

**IT IS THEREFORE ORDERED BY THE COURT THAT** Mr. McDaniel's motion to produce grand jury testimony (doc. 1838) is dismissed for lack of jurisdiction and Mr. McDaniel's motion for reconsideration (doc. 1843) is dismissed for lack of jurisdiction.

**IT IS SO ORDERED.**

Dated this 2<sup>nd</sup> day of May, 2019, at Kansas City, Kansas.

s/ John W. Lungstrum

John W. Lungstrum

United States District Judge