

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

VICTOR M. LOYA-CABRERA,

Defendant.

Case No. 08-20090

MEMORANDUM AND ORDER

Defendant Victor M. Loya-Cabrera was sentenced to 144 months' imprisonment on December 3, 2009. He has now filed a motion (doc. 115) asking this court to order his attorney to send him a copy of his Presentence Investigation Report and to help him retrieve money that was taken from him at the time of his arrest.

First, neither Mr. Loya-Cabrera's attorney nor this court can send him a copy of his Presentence Report, but he can contact his case manager to review it. *See Elrod v. Swanson*, 478 F. Supp. 2d 1252, 1267, 1276 (D. Kan. 2007).

As to the money Mr. Loya-Cabrera seeks, the Government asserts that Mr. Loya-Cabrera had \$466.00 on him when he was booked into the Wyandotte County Jail. The Government maintains that it previously notified Mr. Loya-Cabrera's attorney Robert W. Lyons that the money was still at the Jail. The Government further contends that it contacted Dana M. Altieri, Mr. Lyons's local counsel, about the funds, and she asserted

that she would pick up the money for Mr. Loya-Cabrera. Given that the Government does not have the money and that it has taken more than reasonable steps to assist Mr. Loya-Cabrera in retrieving his money, this motion is denied.

IT IS ORDERED BY THE COURT that defendant's motion (doc. 115) is **denied.**

IT IS SO ORDERED this 22nd day of April, 2010.

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