

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

FREDDY L. WILLIAMS,

Defendant.

**Case No. 08-20141
10-2165**

MEMORANDUM AND ORDER

Defendant Freddy L. Williams pled guilty to one count of being a felon in possession of ammunition, and he was sentenced to 46 months' imprisonment. He did not file a direct appeal, but has now filed a pro se motion to vacate his sentence pursuant to 28 U.S.C. § 2255 (doc. 28).

Mr. Williams contends, among other things, that he specifically instructed his attorney to file an appeal on his behalf, but that his attorney failed to do so. Given that Mr. Williams' arguments were not completely fleshed out until his reply brief, the Government did not have a full opportunity to respond to this claim. Recognizing that an attorney who disregards a specific instruction to appeal is per se ineffective, *United States v. Snitz*, 342 F.3d 1154, 1156 (10th Cir. 2003), the Government is ordered to respond to this claim by July 9, 2010. Mr. Williams may file a sur-reply, should he chose to do so, by July 23, 2010.

IT IS SO ORDERED this 24th day of June, 2010.

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