

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CRIMINAL ACTION
)	
v.)	No. 08-20153-01-KHV
)	
DARRON L. ESKRIDGE,)	
)	
Defendant.)	
_____)	

ORDER

This matter is before the Court on defendant’s letter (Doc. #80) which the Court received on September 22, 2009, and which the Court construes as a pro se motion for judgment of acquittal. Defendant’s motion is untimely.¹ In addition, defendant is represented by counsel, James L. Spies, who has not signed the motion or withdrawn from the case. The Court therefore overrules defendant’s motion. See Fed. R. Civ. P. 11 (every pleading, written motion and other paper shall be signed by at least one attorney of record); United States v. Sandoval-DeLao, 283 Fed. Appx. 621, 625 (10th Cir. 2008) (no error in refusal to consider pro se motion when defendant represented by counsel); United States v. Castellon, 218 Fed. Appx. 775, 780 (10th Cir. 2007) (if criminal defendant represented by counsel, court does not accept pro se filings or allegations); 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 letter (Doc. #80) which the Court received on September 22, 2009, and which the Court construes as a pro se motion for judgment of acquittal,

¹ Any motion for judgment of acquittal must be filed no later than seven days after a guilty verdict or after the jury is discharged, whichever is later. See Fed. R. Crim. P. 29(c)(1). The Court can extend the deadline for defendant to file such a motion if he establishes excusable neglect. See Fed. R. Crim. P. 45(b)(1)(B). Defendant has not attempted to make such a showing.

be and hereby is **OVERRULED**.

IT IS FURTHER ORDERED that the government's Motion For Order Denying Defendant's Pro Se Motion For Judgment Of Acquittal (Doc. #81) filed October 9, 2009 be and hereby is **SUSTAINED**.

Dated this 5th day of November, 2009, at Kansas City, Kansas.

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