

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

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**BENITO M. DOMINGUEZ,**

**Defendant.**

**Case No. 09-20019  
10-2601**

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**MEMORANDUM AND ORDER**

Defendant Benito M. Dominguez has filed a motion (doc. 85) requesting various parts of the record so that he can prepare a brief to file with the Court of Appeals in response to an *Anders* brief filed by his attorney. This request is denied. Mr. Dominguez has no appeal pending in the Court of Appeals for which his attorney might have filed an *Anders* brief. Indeed, one of the arguments Mr. Dominguez raised—and this court rejected—in his § 2255 petition was that his attorney was ineffective for not filing an appeal. (Doc. 84.) He is thus not entitled to the documents he seeks.

**IT IS THEREFORE ORDERED BY THE COURT** that defendant's motion (doc. 85) is **denied**.

**IT IS SO ORDERED** this 17th day of May, 2011.

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