

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CRIMINAL ACTION
)	
v.)	
)	No. 09-20022-03-KHV
ANTHONY BEEKS,)	
)	
Defendant.)	
_____)	

ORDER

This matter is before the Court on defendant’s letter (Doc. #67) which the Court received on July 1, 2009, and which the Court construes as a pro se motion to withdraw a plea of guilty. Defendant is represented by counsel, David A. Kelly, who has not signed the motion or withdrawn from the case. The Court therefore overrules defendant’s motion.¹ 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. #67) which the Court received on July 1, 2009, and which the Court construes as a pro se motion to withdraw a plea of guilty, be and

¹ In his letter, defendant primarily complains of counsel’s performance. To the extent that defendant has not already resolved these issues with counsel, he should raise them directly with counsel. If any conflict remains, counsel can raise the issue with the Court by an appropriate motion.

hereby is **OVERRULED**.

Dated this 13th day of October, 2009, at Kansas City, Kansas.

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