

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

United States of America,

Plaintiff,

v.

**Case No. 10-20037-01-JWL
14-2512-JWL**

Don Milton Steele,

Defendant.

MEMORANDUM & ORDER

In July 2011, a jury convicted defendant Don Steele of numerous drug, forgery and counterfeiting charges as well as possessing a firearm in furtherance of a drug trafficking crime. Ultimately, the court sentenced Mr. Steele to a total term of 300 months imprisonment. This sentence included two concurrent mandatory minimum terms of 20 years which the court imposed after finding that Mr. Steele had a qualifying prior felony drug conviction for purposes of imposing an enhanced sentence under 21 U.S.C. § 841(b).¹ The sentence also included a mandatory consecutive term of 60 months on the firearm charge. The Tenth Circuit affirmed Mr. Steele's conviction and the enhancement of his sentence. *United States v. Dyke*, 718 F.3d 1282 (10th Cir. 2013).

In January 2019, Mr. Steele filed a motion seeking, among other relief, the appointment of counsel to represent him in connection with a potential post-conviction Sixth Amendment claim

¹ To trigger the prior-conviction sentencing enhancement, the government filed, prior to trial, an information giving notice of its intent to rely upon the prior conviction, as required by 21 U.S.C. § 851(a).

stemming from the video and audio recordings of attorney-client meetings and/or phone calls of some defendants who were held in custody at CCA-Leavenworth. This court granted his request for the appointment of counsel and otherwise denied the motion without prejudice to refiling once Mr. Steele consulted with appointed counsel. At the court's request, the Clerk of the Court forwarded Mr. Steele's motion to the Office of the Federal Public Defender for further review and the court ordered the Federal Public Defender to file a motion on Mr. Steele's behalf, or whatever alternative pleading it deemed appropriate, on or before February 8, 2019.

The Federal Public Defender has now notified the court that Mr. Steele intends to withdraw his petition for relief. Because Mr. Steele's petition was fully resolved and nothing is presently pending before the court, Mr. Steele does not need to take any action with respect to that petition.

IT IS SO ORDERED.

Dated this 19th day of February, 2019, at Kansas City, Kansas.

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