

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

**United States of America,**

**Plaintiff,**

**v.**

**Case No. 10-20077-02-JWL  
14-2475-JWL**

**Samuel Barajas,**

**Defendant.**

**MEMORANDUM & ORDER**

In September 2011, defendant Samuel Barajas was convicted by a jury of conspiracy to distribute more than 500 grams of methamphetamine; aiding and abetting possession with intent to distribute 50 grams or more of methamphetamine; and using a communication facility (a cellular telephone) in committing, causing and facilitating the conspiracy. The court sentenced Mr. Barajas to life in prison. After the appeal process, Mr. Barajas filed a petition to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255. While the court denied or dismissed most claims asserted in the petition, the court granted an evidentiary hearing on Mr. Barajas's claim that his trial counsel provided ineffective assistance in connection with Mr. Barajas's decision to proceed to trial rather than enter a plea of guilty. Mr. Barajas' trial counsel has since been suspended from the practice of law in the District of Kansas and the reasons for his suspension are sealed. The court appointed counsel to represent Mr. Barajas in connection with that evidentiary hearing, which has been continued at the request of Mr. Barajas's counsel.

This matter is now before the court on Mr. Barajas' motion for the "protected disclosure" of sealed documents (doc. 141) relating to the suspension of Mr. Barajas's trial counsel so that

Mr. Barajas may determine the existence of information which might support Mr. Barajas's claims. Because it appears to the court that Mr. Barajas's trial counsel is the only person with standing to object to Mr. Barajas's request, the court will require Mr. Barajas's trial counsel to respond to the motion no later than Tuesday, September 8, 2015. If no response is received, the court will presume that trial counsel has no objection to the protected disclosure of sealed documents to counsel for Mr. Barajas.

**IT IS THEREFORE ORDERED BY THE COURT THAT** Mr. Barajas's motion for disclosure of sealed records (doc. 141) is retained under advisement pending a response from Mr. Barajas's trial counsel on or before **Tuesday, September 8, 2015.**

**IT IS SO ORDERED.**

Dated this 28<sup>th</sup> day of August, 2015, at Kansas City, Kansas.

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