

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,
Plaintiff,

vs.

Case No. 11-10161-02-JTM

MARCUS D. BISHOP,
Defendants.

MEMORANDUM AND ORDER

This matter is before the court on the defendant Marcus Bishop's Motion for Appointment of Counsel. Bishop identifies no specific argument he wishes to raise with the assistance of counsel, other than the contention that his prior crimes, including burglary and aiding and abetting bank robbery, were not crimes of violence for sentencing enhancement purposes.

Bishop pled guilty and was sentenced on July 6, 2012 to 84 months imprisonment. (Dkt. 135). He filed no direct appeal. On June 24, 2014, Bishop filed a motion to vacate his sentence under 28 U.S.C. § 2255, advancing precisely the same argument he now seeks to resurrect: that his earlier convictions were not crimes of violence. (Dkt. 138). The court denied the motion for three separate reasons: (1) such relief was time-barred under 28 U.S.C. § 2255(f), (2) the Kansas burglary statute violated by Bishop (K.S.A. 21-3715(a)) is indeed a "crime of violence" under U.S.S.G. § 4B1.1, and (3) Bishop had knowingly waived

any challenge to the sentence imposed in this Plea Agreement. (Dkt. 142).

The defendant's motion offers no response to these conclusions, and the court declines to appoint counsel where the ultimate result would not alter defendant's sentence.

IT IS ACCORDINGLY ORDERED this 16th day of February, 2016 that the defendant's Motion for Appointment (Dkt. 145) is hereby denied.

s/ J. Thomas Marten
J. THOMAS MARTEN, JUDGE