

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**Case No. 11-40057-01/03/04-RDR**

MARCO FIDEL MOJICA-CRUZ;  
JUAN ANGEL CRUZ and  
ALFREDO BURGOIN,

Defendants.

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**O R D E R**

On January 10, 2012, the court considered the pretrial motions that had been filed in this case. The purpose of this order is to memorialize the rulings made by the court at the hearing.

The defendants are charged with (1) conspiracy to possess with intent to distribute methamphetamine in violation of 21 U.S.C. § 846 and (2) possession with intent to distribute methamphetamine in violation of 21 U.S.C. § 841(a)(1).

The following motions had been filed by the defendants: (1) Marcos Fidel Mojica-Cruz' motion for notice of evidence; (2) Mojica-Cruz' pro se motion to compel counsel to acquire and produce; and (3) Alfredo Burgoin's pro se motion to suppress. The third defendant, Juan Angel Cruz, has not filed any pretrial motions.

At the hearing, the government and counsel for Mojica-Cruz agreed that the motion for notice of evidence had been resolved.

The defendant acknowledged that the government had complied with his request. Accordingly, the court found that the government had complied with the defendant's motion and determined that it was now moot.

The parties also informed the court that the pro se motion filed by Mojica-Cruz has been resolved. Mojica-Cruz had sought copies of the discovery in this case. The government does not allow copies of the discovery to be left with defendants who are incarcerated. Counsel for Mojica-Cruz indicated that she provided the defendant with access to most of the discovery in this case and that she intended to provide some additional materials in the near future. In accordance with the information provided at the hearing, this motion was denied.

Burgoin, who is representing himself in this case, withdrew his motion to suppress at the hearing. The court accepted his withdrawal and scheduled another hearing for January 18, 2012 at 1:30 p.m. to consider further developments in his case.

**IT IS THEREFORE ORDERED** that defendant Mojica-Cruz' motion for notice of evidence (Doc. # 82) be hereby denied as moot.

**IT IS FURTHER ORDERED** that defendant Mojica Cruz' pro se motion to compel the production of documents (Doc. # 88) be hereby denied.

**IT IS FURTHER ORDERED** that defendant Burgoin's pro se motion to suppress (Doc. # 69) be hereby withdrawn as requested by the

defendant.

**IT IS SO ORDERED.**

Dated this 11<sup>th</sup> day of January, 2012 at Topeka, Kansas.

s/Richard D. Rogers  
United States District Judge