

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

UNITED STATES OF AMERICA,)
)
)
)
Plaintiff,)
)
v.)
)
RICHARD A. SANCHEZ,)
)
)
)
Defendant.)
_____)

Case No. 11-40085-JAR

ORDER

This matter is before the Court on Defendant’s Motion requesting a copy of a CD/Rom exhibit from his trial (Doc. 105). Defendant states that he is requesting the exhibit “so I may continue with legal issues and avenues associated with my case on appeal.” The Court notes, however, that Defendant filed a direct appeal of his conviction to the Tenth Circuit Court of Appeals, which affirmed his conviction on possession of methamphetamine charges after a jury trial.¹ The Court further notes that Defendant has not filed a motion under 28 U.S.C. § 2255. Should Defendant timely file a motion under § 2255, his request for discovery will be governed by Rules Governing § 2255 cases. Under Rule 6(a), Defendant will need to show good cause for discovery and the granting of discovery is at the discretion of the court.² Because Defendant has yet to file a motion under § 2255, he is not entitled to the requested discovery materials at this time, and his request is DENIED without prejudice.

¹*United States v. Sanchez*, 553 F. App’x 842 (2014).

²*Bracy v. Gramley*, 520 U.S. 899, 904 (1997).

IT IS SO ORDERED.

Dated: February 11, 2015

S/ Julie A. Robinson

JULIE A. ROBINSON

UNITED STATES DISTRICT JUDGE