

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 6:13-cr-10004-JTM-1

TROY A. BONG,

Defendant.

**MEMORANDUM AND ORDER**

Upon consideration of defendant's renewed motion to appoint counsel (Dkt. 73), the court concludes that the motion should be granted as follows.

On July 29, 2015, this court entered a Standing Order regarding motions for post-conviction relief pursuant to *Johnson v. United States*, 135 S.Ct. 2551 (2015). The order appoints the Office of the Federal Public Defender to represent indigent defendants whose cases are potentially affected by *Johnson*. It allows appointment of a CJA panel attorney should the Federal Public Defender have a conflict that precludes representation.

The court finds that defendant Troy Bong is financially unable to employ counsel, that his case may be potentially affected by *Johnson*, and that the Federal Public Defender has a conflict which precludes representation. Accordingly, the court orders that James R. Pratt is appointed as counsel for Mr. Bong pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A. The appointment shall be to determine whether

defendant may qualify for post-conviction relief pursuant to *Johnson v. United States*, 135 S.Ct. 2551 (2015) and, if so, to assist defendant in obtaining relief under *Johnson*. The appointment will terminate upon a determination by counsel that defendant is not eligible for relief under *Johnson* or, if eligible for relief, upon exhaustion of defendant's post-conviction remedies.

**IT IS THEREFORE ORDERED** this 16<sup>th</sup> day of May, 2015, that defendant's Motion to Appoint Counsel (Dkt. 73) is GRANTED to the foregoing extent.

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