

suit or appeal.” 28 U.S.C. § 753(f). “Conclusory allegations that a defendant was denied effective assistance of counsel, without more, do not satisfy the requirements of § 753(f).” *Sistrunk*, 992 F.2d at 259.

Here, defendant states that he needs his sentencing transcript because it “contain[s] vital information pertinent to the grounds raised in the section 2255 motion.” (Doc. 298, at 2.) But defendant’s amended § 2255 motion does not contain any claims relating to his sentencing. Instead, plaintiff makes the following claims:

- Counsel failed to adequately investigate and prepare for the evidence adduced at trial;
- Counsel focused on knowledge of the subject matter instead of the evidence presented at trial;
- and
- Counsel’s errors deprived defendant of the ability to make an informed decision on whether to proceed to trial or plead guilty.

All of these claims relate to pre-sentencing matters. Because defendant’s claims do not relate to the sentencing hearing, the court cannot conclude that “the transcript is needed to decide the issue presented by the suit or appeal.” 28 U.S.C. § 753(f). Defendant is not entitled to the transcript from his sentencing at government expense.

IT IS THEREFORE ORDERED that defendant’s Motion for Leave to Amend with Request for Transcripts (Doc. 298) is granted in part and denied in part. The court grants defendant leave to amend his § 2255 motion, but denies his request for his transcript. The Clerk of Court is directed to file Doc. 298-1 as defendant’s amended § 2255 motion.

IT IS FURTHER ORDERED that the government shall file a response to defendant's amended motion within 30 days of the date of this order. Defendant may file a reply brief within 30 days of the date the government files its response.

Dated this 30th day of July, 2019, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge