

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA ,

Plaintiff,

v.

ZAN MORGAN,

Defendant.

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ORDER

05-C-0012-C

02-CR-0141-C-02

Defendant Zan Morgan has moved to vacate his conviction and sentence, pursuant to 28 U.S.C. § 2255. Defendant contends that he was denied the effective assistance of counsel when his court-appointed attorney refused to arrange for an independent analysis of the taped telephone conversation that was the basis for defendant's conviction for distribution of more than five grams of cocaine base. Defendant maintains his innocence and argues that an analysis would have shown that he was not the person taped during the telephone call. In his opinion, this information would have caused the jury to acquit him at trial.

ORDER

IT IS ORDERED that the United States may have until March 2, 2005, in which to respond to defendant's motion. In its response, plaintiff should explain whether he believes that an evidentiary hearing on the motion will be necessary. Defendant may have until March 23, 2005, in which to file and serve a reply to the response, if he wishes.

Entered this 9th day of February, 2005.

BY THE COURT:

BARBARA B. CRABB  
District Judge