

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHERYL McNAMEE,

Defendant.

ORDER

11-cr-142-bbc

On April 18, 2012, defendant pleaded guilty to one count of willfully making and subscribing a false income tax return in violation of 26 U.S.C. § 7206(1) and was sentenced to a term of imprisonment of 24 months.

Defendant has written to the court that she will soon be filing a motion under 28 U.S.C. § 2255. I will construe her letter as a motion. In her motion, defendant makes two requests. First, she asks that when she files her motion, that it be filed under seal. She states that it is necessary to seal her motion because she fears “hostile and aggressive efforts” from the victims involved in the criminal proceedings against her. Defendant is not specific as to what the hostile and aggressive efforts might be or how she or her family would be in danger if her motion was not filed under seal. If defendant wants her motion to be sealed,

she should file a motion to seal with her § 2255 motion. Defendant should know that the court will only seal a document to ensure the safety, privacy or to otherwise protect a substantial public interest. In the motion to seal she should state with particularity why she believes her motion should be sealed.

Second, defendant seeks permission to appear by telephone at any hearing on her § 2255 motion. Her motion is premature. Should an evidentiary hearing be necessary, defendant may renew her request to appear telephonically at that time.

ORDER

Defendant's motion to seal and to appear telephonically at any hearing are DENIED without prejudice.

Entered this 25th day of September, 2012.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge