IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 02-20380-B
	)	
MICHAEL R. SMITH,	)	
	)	
	)	
Defendant.	)	

ORDER STRIKING DEFENDANT SMITH'S PRO SE MOTION TO DISMISS INDICTMENT AND DENYING MOTION TO PROCEED PRO SE AS MOOT

Before the court is the *pro se* motion of the defendant, Michael R. Smith, filed April 25, 2003, to dismiss the indictment filed against him for ineffective assistance of counsel, or in the alternative, to be allowed to proceed *pro se.* The motion was referred to the United States Magistrate Judge for determination. A hearing was held on May 5, 2003. For the reasons that follow and as stated on the record, the motion is denied and stricken.

On February 4, 2003, U.S. District Judge Samuel H. Mays, Jr. instructed Smith not to file anymore *pro se* motions because he is represented by appointed counsel and further instructed the clerk not to accept for filing any *pro se* motions by Smith. Accordingly, Smith's *pro se* motion is ordered stricken.

In addition, at the hearing on May 5, 2003, Smith advised the court that he wanted his appointed counsel to continue to represent him at this time. Accordingly, Smith's request to proceed *pro se* is denied as moot.

IT IS SO ORDERED this 5th day of May, 2003.

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DIANE K. VESCOVO
UNITED STATES MAGISTRATE JUDGE