

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

CRIMINAL NO. 04-20075-01

VERSUS

JUDGE MELANÇON

GREGORY JAMES CATON

MAGISTRATE JUDGE HILL

MOTION TO WITHDRAW AS COUNSEL OF RECORD

NOW INTO COURT, comes WAYNE J. BLANCHARD, Assistant Federal Public Defender, who respectfully shows:

1.

On September 27, 2005, the Honorable C. Michael Hill, United States Magistrate Judge, entered an Order in these proceedings. The Order granted petitioner Gregory James Caton an evidentiary hearing on a 28 U.S.C. §2255 petition that Mr. Caton had filed, alleging that his original counsel was ineffective. That same Order appointed the Federal Public Defender for the Western District of Louisiana to represent Mr. Caton at the evidentiary hearing, and the Federal Public Defender assigned Mr. Caton's representation to undersigned counsel.

2.

A hearing was subsequently held. A Report and Recommendation was issued by Magistrate Judge Hill on November 23, 2005. On December 13, 2005, the Honorable Tucker L. Melançon, United States District Judge, issued a Judgment which, after *de novo* determination of the issues, adopted the Report and Recommendation of the Magistrate Judge and rejected objections that were filed on behalf of Mr. Caton by the undersigned. Judge Melançon's ruling ordered that Mr. Caton's Judgment of Conviction be reinstated on the docket as of December 15, 2005 for Mr. Caton to file a direct appeal.

3.

Undersigned counsel and Mr. Caton disagree seriously on the merits of any appeal. However, Mr. Caton does not desire that an *Anders* brief be filed. If undersigned counsel must continue to represent Mr. Caton, it would be my intention to file a brief, pursuant to *Anders v. California* and seek to withdraw from his representation. Mr. Caton wishes to represent himself on appeal and, with the aid of undersigned counsel, has already filed a Notice of Appeal.

4.

Under these circumstances, undersigned counsel respectfully requests that he be allowed to withdraw as counsel of record and that Mr. Caton be allowed to proceed *pro se*.

RESPECTFULLY SUBMITTED,

REBECCA L. HUDSMITH
FEDERAL PUBLIC DEFENDER FOR THE
MIDDLE & WESTERN DISTRICTS OF LOUISIANA

BY: _____

S/ WAYNE J. BLANCHARD (LA BAR #3113)

Assistant Federal Public Defender

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above MOTION TO ENROLL AS COUNSEL and proposed ORDER has been served on Ms. Cristina Walker, Assistant United States Attorney, 800 Lafayette Street, Suite 2200, Lafayette, Louisiana 70501-6832 and Mr. Gregory James Caton, c/o Lafayette Parish Correctional Center, P. O. Box 2537, Lafayette, Louisiana 70502 by first class United States mail with proper postage affixed.

Lafayette, Louisiana, December 20, 2005.

S/ WAYNE J. BLANCHARD