UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, **Plaintiff-Respondent,** **v.** **CARYLE LEE COLE,** **Defendant-Petitioner.**	**1:11-CR-00026-LJO** **MEMORANDUM DECISION AND ORDER RE: PETIONER'S REQUESTS FOR EVIDENTIARY DOCUMENTS (Docs. 585 & 586)**

On January 13, 2011, Petitioner Carlyle Lee Cole, along with nine co-defendants, was indicted with conspiracy to commit mail fraud, wire fraud in violation of 18 U.S.C. § 1349, wire, bank, and mail fraud in violation of 18 U.S.C. § 1341, wire fraud in violation of 18 U.S.C. § 1343, bank fraud in violation of 18 U.S.C. § 1344, and conspiracy to launder money in violation of 18 U.S.C. § 1956(h). Doc. 1. In this Court, on November 7, 2013, Petitioner plead guilty to one count of conspiracy to commit mail fraud, wire fraud, and bank fraud in violation of violation of 18 U.S.C. § 1349. Doc. 269. The Court sentenced Petitioner to 211 months. Doc. 464 at 14. On February 23, 2015, Petitioner moved to set aside his judgment, sentence and plea agreement pursuant to 28 U.S.C § 2255. Doc. 547. Also before the Court are two ancillary requests pertaining to that motion. This Order addresses the two ancillary requests.

On June 5, 2015 Petition submitted a request to the Court for "all letters or other documents" received by the Court from his psychotherapist, Bonnie Quinton. Doc. 578. The Court responded to this

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request on June 8, 2015, explaining that the Court is not in possession of any such letters. Doc. 581. Thus, it was unable to provide such a letter to Petitioner. *Id.* The Court noted, however, that Petitioner's attorney did read from the letter during Petitioner's sentencing hearing, at pages 15 through 16, which is part of the public docket in this case. *See* Doc. 464. On June 24, 2015, the Court received an identical request, dated June 1, 2015. Doc. 585. This issue was fully addressed in the June 8, 2015 Order. The Court can provide no additional relief to Petitioner. Petitioner is directed to refer to the June 8, 2015 Order. Petitioner is further ORDERED to cease filing duplicative motions, as this practice confuses the already complex docket in this case.

On June 24, 2015, Petitioner filed a "Formal Request for Discovery" directed to the attorneys who prosecuted his case, requesting that they provide him various documents outlining their delivery of evidentiary materials to his former attorney, Katherine Hart. Doc. 586. This notice is not associated with any motion for discovery and does not call for Court action. Therefore, no action will be taken.

I. CONCLUSION AND ORDER

For the reason discussed above, no action needs to be taken in response to Petitioner's requests, Docs. 585 & 586. Petitioner is ORDERED to cease filing duplicative requests.

IT IS SO ORDERED.

Dated: **August 17, 2015**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE