

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

USA,

Plaintiff,

v.

LOUIS LOPEZ, JR.,

Defendant.

1:99-cr-00016-2-WAL-GWC

TO: Lee J. Rohn, Esq.
Katryna Lyn Spearman, Esq.
Louis Lopez, Jr.
Evan Rikhye, Esq., AUSA

ORDER GRANTING MOTION TO STRIKE

THIS MATTER is before the Court upon the United States' Motion to Strike (ECF No. 433) Defendant Lopez's *pro se* motion for relief under the First Step Act (ECF No. 436).

This Order is filed without need for response.

The record reflects that Defendant Lopez has had legal representation since February 1, 2021 (ECF No. 425). Defendant's *pro se* motion for relief under the First Step Act was filed on February 17, 2022, when Defendant was—and continues to be—represented by counsel.

The Constitution does not confer a right to proceed simultaneously by counsel and *pro se*, and the District Court is not obligated to consider *pro se* motions in light of Defendant's representation. *McKaskle v. Wiggins*, 465 U.S. 168, 183 (1984) (finding no constitutional right to hybrid representation); *see also United States v. D'Amario*, 268 F. App'x 179, 180 (3d Cir. 2008) (rejecting *pro se* post-trial pleadings at same time counsel

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represented defendant); *United States v. Titley*, 2017 WL 3219482, at *1 (D.V.I. July 28, 2017) (same).

Accordingly, the Court will not consider Defendant Lopez's *pro se* motion for relief under the First Step Act and Defendant is advised not to submit *pro se* filings while represented by counsel.

WHEREFORE, it is hereby **ORDERED**:

1. United States' Motion to Strike (ECF No. 433) is **GRANTED**;
2. Defendant Lopez's *pro se* motion for relief under the First Step Act (ECF No. 436) is **STRICKEN**; and
3. The Clerk of Court shall send a copy of this Order via certified mail to Defendant Louis Lopez, Jr.

ENTER:

Dated: March 3, 2022

/s/ George W. Cannon, Jr.
GEORGE W. CANNON, JR.
MAGISTRATE JUDGE