

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

JAIRO MOTTA VARGAS,
Defendant.

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Crim. No. 00-204-RCL

Civil Action No. 08-879-RCL

FILED

APR 30 2010

ORDER


U.S. DISTRICT COURT

For the reasons set forth in the accompanying memorandum opinion, it is HEREBY ORDERED that defendant Jairo Motta Vargas's Petition to Vacate, Modify or Correct Sentence under 28 U.S.C. § 2255 is DENIED as to his claims that (1) his counsel was ineffective for failing to file a motion to dismiss his indictment on the grounds that it violated the double jeopardy clause and (2) that his guilty plea was unknowing and involuntary; and it is further ORDERED that

An evidentiary hearing SHALL BE HELD on Mr. Motta Vargas's remaining claim that his counsel was ineffective for failing to file a notice of appeal at a date to be scheduled by the Court; and it is further ORDERED

That Mr. Motta Vargas shall be APPOINTED COUNSEL for that hearing.

SO ORDERED this 30th day of April, 2010.


ROYCE C. LAMBERTH
Chief Judge
United States District Court