

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 10-00320-16-CR-W-DGK
)	
FRANK MICHAEL ALVAREZ,)	
)	
Defendant.)	

**GOVERNMENT’S RESPONSE TO DEFENDANT
FRANK MICHAEL ALVAREZ’S MOTION TO PRODUCE ALL DISCOVERY**

The United States of America, by Beth Phillips, United States Attorney, and the undersigned Assistant United States Attorney, both for the Western District of Missouri, respectfully submits this response to the defendant’s Motion, Document 363, filed November 28, 2011. Defendant seeks an order for the Government to produce all discovery, specifically affidavit reports in support of wiretap recordings, all wiretap transcripts, and all text messages.

The defendant’s motion is moot as all of those items, and much more, are currently in the custody of the United States Marshal Service (USMS) for the Western District of Missouri. In an effort to short circuit further argument by the defendant on this point, the Government’s case agent and a representative of the USMS reviewed all discovery currently maintained in this case by the USMS. All discovery provided to all defense counsel and all discovery available in this case was determined to in fact be in the custody of the USMS for review by the defendant. As the defendant is incarcerated and has elected to proceed *pro se* in this case, the USMS maintains discovery and provides the defendant with meaningful opportunities to review it.

Wherefore, based on the foregoing, the defendant's motion should be denied as moot or as failing to state any actionable claims.

Respectfully submitted,

Beth Phillips
United States Attorney

By */s/ Bruce Rhoades*

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on December 5, 2011, to the Electronic Filing System (CM/ECF) of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record *and* a hard copy was placed in the United States mail service for delivery to the defendant as set out below.

Frank Michael Alvarez
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Leavenworth, KS 66048

/s/ Bruce Rhoades

Bruce Rhoades.
Assistant United States Attorney