

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 ) Criminal Action No.  
 v. ) 09-00112-01-CR-W-ODS  
 )  
 CLIFTON TAYLOR, )  
 )  
 Defendant. )

**ORDER**

Before the court is defendant's pro se "criminal complaint" listing himself as plaintiff and the State of Missouri as defendant (document number 29). Defendant claims that someone asked for a continuance of the detention hearing because additional time was needed to extract DNA from a cup defendant had chewed to pieces while in the city jail. He argues that he was supposed to return to court on June 7, 2009, to get the DNA results, and that holding him in custody beyond June 7, 2009, is unlawful.

June 7, 2009, was a Sunday. There was never anything scheduled for June 7, 2009. Defendant's initial appearance was Friday, March 13, 2009. The government moved for a three-day continuance of the detention hearing which was granted pursuant to 18 U.S.C. § 3142(f)(2)(B). The detention hearing was held on March 18, 2009 (the three days excluding the weekend as provided by Federal Rule of Criminal Procedure 45(a)). There was no mention of DNA in the motion or order continuing the detention hearing.

Defendant's trial was originally scheduled for June 8, 2009.

On May 12, 2009, defendant filed a motion to continue the trial to August 24, 2009, on the grounds that the government had additional discovery to turn over, and defendant needed to locate and interview defense witnesses. There was no mention of DNA in the motion to continue. The motion to continue was granted, and defendant's trial is currently set for the August 24, 2009, trial docket.

Because defendant was detained without bond pending trial, his pro se arguments about being illegally held absent DNA results are without merit. In addition, there is no Constitutional right to hybrid representation; it is available at the district court's discretion. United States v. Einfeldt, 138 F.3d 373, 378 (8th Cir. 1998); United States v. Swinney, 970 F.2d 494, 498 (8th Cir.), cert. denied, 506 U.S. 1011 (1992); United States v. Nivica, 887 F.2d 1110, 1121 (1st Cir. 1989), cert. denied, 494 U.S. 1005 (1990).

Because (1) defendant is represented by counsel, (2) defendant may not file a criminal complaint against the State of Missouri in federal court, and (3) his arguments within his complaint are completely devoid of merit, it is

ORDERED that his pro se criminal complaint is stricken from the record.

/s/ Robert E. Larsen  
ROBERT E. LARSEN  
United States Magistrate Judge

Kansas City, Missouri  
July 15, 2009