

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
V.)
)
FREDERICK O. BLACK,)
)
)
Defendant.)

No. 3:07-CR-61
(Varlan / Guyton)

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This criminal action is before the Court on Defendant Frederick Black's *pro se* Motion for Release to attend General Sessions Court Hearing, [Doc. 30], and the Order of Referral from the District Judge [Doc. 31].

Defendant Black is represented by Attorney Bruce Poston, one of the most experienced practitioners in federal criminal matters who appears before this Court. Because the defendant is represented by counsel, the Court finds that his motion violates Local Rules of the United States District Court for the Eastern District of Tennessee, LR 83.4 Appearance and Withdrawal of Counsel, which provides, in relevant part:

(c) Representation *Pro Se* After Appearance by Counsel

Whenever a party has appeared by attorney, that party may not thereafter appear or act in his or her own behalf in the action or proceeding, unless an order of substitution shall first have been made by the court, after notice by the party to the attorney and to the opposing party. However, the court may, in its discretion, hear a party in open court, notwithstanding the fact that the party is represented by an attorney.

Accordingly, the defendant's *pro se* motion is inappropriate and in violation of the rules of this Court. This Court will not proceed on the merits of a substantive motion filed *pro se* so long as the defendant is represented by counsel. For that reason, the defendant's *pro se* Motion [Doc. 30] is **DENIED**.

The Court takes this opportunity to admonish the defendant, in the strongest terms, not to file *pro se* motions. The defendant has availed himself of his right to counsel as guaranteed by the United States Constitution and this Court urges him to consult that counsel. Without the benefit of legal training and experience, Defendant Black may seriously and irreparably damage his defense to these criminal charges. This could come about by his inadvertently revealing attorney-client privileged information, compromising the most effective presentation of his defense or even disclosing to the Court, the public and the Office of the United States Attorney the particulars of his defense strategy.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge