

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

JOSE GUADALUPE GUTIERREZ,

Petitioner,

v.

CASE NO. 8:13-CV-2336-T-30EAJ
CRIM. CASE NO. 8:11-CR-313-T-30EAJ

UNITED STATES OF AMERICA,

Respondent.

_____ /

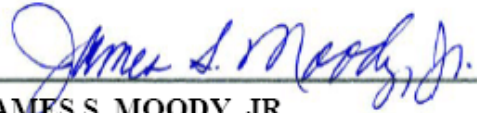
ORDER

This cause is before the Court on the government's motion requesting a Court order requiring former defense counsel, Assistant Federal Defender Dionja Dyer, to disclose the substance of communications with Petitioner, provide an affidavit relative to this communication, and produce any records relevant to the claims in Petitioner's § 2255 motion (CV Dkt. 10). The government is seeking this order to enable it to adequately respond to Petitioner's § 2255 motion. Upon consideration, the Court finds that, with respect to the claims raised by Petitioner in his § 2255 motion, the attorney-client privilege has been waived because of Petitioner's allegations of ineffective assistance.

Accordingly, the Court **ORDERS** that the government's motion requesting an order requiring former defense counsel to disclose the substance of communications and provide affidavits and records (CV Dkt. 10) is **GRANTED**. On or before December 9, 2013, AFD

Dionja Dyer shall produce any relevant and necessary records (including correspondence) and provide an affidavit discussing his communications with Petitioner concerning the claims Petitioner raises in his § 2255 motion.

DONE and **ORDERED** in Tampa, Florida on November 18, 2013.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

SA:sfc
Copy furnished to:
Pro Se Petitioner
Counsel of Record