

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

AMANDA LYNN SMITH,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No. 1:13-cv-00145-BLW  
1:11-cr-00027-BLW

**ORDER**

The Court has before it the Government's Motion for Order Concerning Attorney-Client Privilege and to Stay the Instant Proceedings (Dkt. 3) requesting a limited waiver of the attorney-client privilege and a stay of the Order directing the Government to file a response to petitioner's Section 2255 Motion. Petitioner claims ineffective assistance of counsel based on defense counsel Jessica B. Bublitz' alleged advice regarding the consequences of Smith's decision to plead guilty rather than proceed to trial. The Government seeks the limited waiver in order to determine what communications took place between petitioner and her attorney regarding those issues.

The Court finds that petitioner impliedly waived her right to assert the attorney-client privilege with respect to the issues raised in her Section 2255 Motion and that discovery of the privileged communications is vital to the Government's response.

**ORDER - 1**

*United States v. Amlani*, 169 F.3d 1189, 1194 (9th Cir. 1999).

**ORDER**

NOW, THEREFORE, IT IS HEREBY ORDERED that the Government's Motion for Order Concerning Attorney-Client Privilege and to Stay the Instant Proceedings (Dkt. 3) is **GRANTED**.

IT IS HEREBY ORDERED that Attorney Jessica B. Bublitz (1) shall make herself available at a reasonable time and place to answer material inquiries of the Assistant United States Attorney regarding petitioner's allegations of ineffective assistant of counsel; (2) produce to the Assistant United States Attorney any interview notes, documents, letters, or witness statements that are material to the issues raised by petitioner; and (3) produce to the Assistant United States Attorney an affidavit addressing her knowledge regarding any material issue raised by the Section 2255 Motion within forty-five (45) days of the date of this Order.

IT IS FURTHER ORDERED that the Government shall have an additional twenty days after receiving Ms. Bublitz' response in which to respond to Petitioner's claims.

DATED: **April 18, 2013**



*B. Lynn Winmill*  
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B. LYNN WINMILL  
Chief U.S. District Court Judge