

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

MERVYN A. PHELAN, SR.

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Criminal No. JFM-12-0103  
Civil No. JFM-16-288

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**MEMORANDUM**

Mervyn Phelan, Sr. has filed a motion under 28 U.S.C. § 2255. The motion will be denied.

Phelan contends that his trial counsel, Gerald Martin, was ineffective because he failed to inform the court that he was aware of a conspiracy between Fort Howard Development, LLC and Smith, Gildea, & Schmidt to withhold information from the U.S. Attorney's Office. Phelan does not suggest in any way how this alleged ineffective assistance of counsel undermined the guilty plea that he entered on June 11, 2014. Moreover, a review of the statement of facts does not show any connection between the alleged ineffective assistance of counsel and the facts underlying the guilty plea.

A separate order is being entered herewith denying Phelan's motion.

Date: August 7, 2017

J. Frederick Motz  
J. Frederick Motz  
United States District Judge

FILED  
U.S. DISTRICT COURT  
DISTRICT OF MARYLAND

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