

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**UNITED STATES OF AMERICA**

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v.

**No . 3:13-0290  
Judge Sharp**

**KRONSKI HOWARD**

**ORDER**

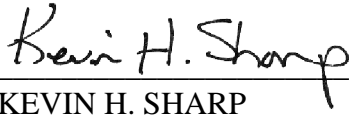
In this action under 28 U.S.C. § 2255, Petitioner claims that Thomas Drake, his trial defense counsel, was ineffective. In light of that allegation, the Government has filed a Motion requesting that the Court find Petitioner has waived his attorney-client privilege to the extent that counsel believes necessary to address the allegations made against him. The Government also requests that it be granted an extension of time to respond to the Petition in light of its present request for such a finding.

“[I]t is widely recognized that ‘[w]hen a habeas petitioner claims that he received ineffective assistance of counsel, he puts communications between himself and his attorney directly in issue, and thus by implication waives the attorney-client privilege with respect to those communications,’” United States v. Wines, 691 F.3d 599, 612 (5<sup>th</sup> Cir. 2012) (citation omitted, collecting cases), and the Court so finds in this case. Since the Government’s request is grounded upon such a finding, the Government will be provided additional time within which to file its response, including an affidavit from counsel.

Accordingly, the Government’s Request for Extension of Time to Respond and For an Order Finding That Movant has Waived Attorney-Client Privilege (Docket No. 16) is hereby GRANTED.

The Government shall file its response within thirty (30) days of the date of entry of this Order.

It is SO ORDERED.

  
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KEVIN H. SHARP  
UNITED STATES DISTRICT JUDGE