

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**UNITED STATES OF AMERICA,** )  
 )  
 **Plaintiff,** )  
 )  
 **v.** )  
 )  
 **JIMMY C. CHISUM,** )  
 )  
 **Defendant.** )

**Case No. CR-05-043-WH**

**ORDER**

Before the Court is the motion of the defendant and request for access to law library and pro per [sic] form for appeal process. As to the second aspect of the motion, defendant complains that the Muskogee County Jail does not provide “access to forms for pro per/pro se filing for appeal, habeas corpus, or motion . . . .” It is not clear to what specific forms defendant refers. He has filed his notice of appeal, a habeas corpus motion is not appropriate at this time and any additional motions will presumably be filed with the Tenth Circuit Court of Appeals. Further, defendant will ultimately be transferred from the Muskogee County Jail to a federal facility, and the Jail’s deficiencies if any will become moot.

Defendant represented himself throughout the trial – with appointed counsel present as standby counsel – and continues to do so. When a prisoner voluntarily, knowingly and intelligently waives his right to counsel in a criminal proceeding, he is not entitled to access to a law library or other legal materials. *United States v. Cooper*, 375 F.3d 1041, 1052 (10<sup>th</sup> Cir.2004). Standby counsel is the equivalent of library access. *Id.*

It is the Order of the Court that the defendant for access to law library and pro per form (#122) is hereby DENIED.

**ORDERED THIS 31st DAY OF JULY, 2006.**

A handwritten signature in cursive script, reading "Ronald A. White", written over a horizontal line.

Ronald A. White  
United States District Judge  
Eastern District of Oklahoma