

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 21-CR-18-TPB-KCD

ALEX WINTERS,

Defendant

ORDER

Defendant Alex Winters was convicted of several charges following a two-day jury trial. (Doc. 85.) He sought review at the Eleventh Circuit Court of Appeals, but the appeal was dismissed for lack of prosecution. (Doc. 156.) Defendant now intends to pursue post-conviction relief under 28 U.S.C. § 2255, but he does not have records from the underlying trial. (Doc. 159.) He thus moves the Court to order his trial attorney, Lee Hollander, to “provide [him] with any and all records, file documents, and tangible things related to his case.” (*Id.* at 1.) Alternatively, he asks the Court to “toll[] the one year AEDPA deadline until the dispute regarding [his] records is resolved.” (*Id.*)

Upon the Court’s request, Attorney Hollander responded to the motion. (Doc. 161.) He does not deny possessing Defendant’s file, nor does he object “to sending the records.” (*Id.* at 2.) But he does request reimbursement

“ahead of time for the transmittal costs,” which he anticipates being “several hundred dollars.” (*Id.*)

Defendant is indigent, and Attorney Hollander remains his court-appointed counsel (no motion to withdraw has been filed). Attorney Hollander provides no authority requiring Defendant to prepay the costs of transmitting his case file, something Attorney Hollander is ethically required to do. Attorney Hollander, as CJA counsel, can seek reimbursement if the same is allowed under the Court’s rules.

Accordingly, it is now **ORDERED**:

1. Attorney Hollander is directed to assemble the records, file documents, and tangible things in his possession concerning Defendant’s case and transmit them to Defendant in due haste; and
2. Defendant’s motion is **DENIED** to the extent it seeks any different or further relief.

ENTERED in Fort Myers, Florida on November 15, 2024.


Kyle C. Dudek
United States Magistrate Judge