

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN F. SCHULER, JR.,

Defendant.

ORDER

93-cr-105-bbc

Defendant John F. Schuler, Jr. has filed a motion pursuant to Fed. R. Civ. P. 60(b), in which he asks the court to amend his sentence so that he may serve the last 90 days of his sentence in a community corrections center, thereby possibly qualifying him for the Second Chance program. He also points to his rehabilitative efforts in prison as a reason to modify his sentence.

As I have explained to defendant on previous occasions, I have no authority to reduce his sentence. Once the sentencing court has imposed a sentence, the court loses jurisdiction to make any changes in the sentence except in two specific circumstances: (1) if the United States Government moves for a reduction in recognition of substantial assistance that the defendant has provided; or (2) if the court of appeals reverses defendant's conviction.

Neither of these things has happened in this case, so I must deny defendant's motion. However, I have no objection to a placement in a residential re-entry center if the Bureau of Prisons thinks it would be helpful to defendant.

ORDER

IT IS ORDERED that defendant John Schuler, Jr.'s motion to modify his sentence is DENIED on the ground that the court lacks the authority to grant the relief requested.

Entered this 28th day of March, 2012.

BY THE COURT:

/s/
BARBARA B. CRABB
District Judge