

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

RODNEY RAINES,

Defendant.

ORDER

01-cr-9-bbc

01-cr-98-bbc

Defendant Rodney Raines was sentenced in this court on April 11, 2002, following his conviction for conspiracy to distribute and possess with intent to distribute 50 grams or more of cocaine base in violation of 21 U.S.C. § 841 (in case number 01-cr-9-bbc) and escape from custody of institution in violation of 18 U.S.C. § 751(a) (in case number 01-cr-98-bbc). He was committed to the custody of the Bureau of Prisons to serve a term of imprisonment of life imprisonment in case no. 01-cr-9-bbc and a 60-month term of imprisonment in case no. 01-cr-98-bbc, to run concurrently with the term of imprisonment imposed in 01-cr-9-bbc.

On May 2, 2003, defendant was resentenced to a term of imprisonment of 360 months in case no. 01-cr-9-bbc. Defendant has now filed a motion to correct what he believes is a clerical error in his sentence. He alleges that the Bureau of Prisons does not have a copy of his May 2, 2003 amended judgment that reduces his sentence in 01-cr-9-

bbc from life imprisonment to 360 months. In support of his motion, he provides the court a copy of an Inmate Request to Staff form that confirms that the only judgment on file with the Bureau of Prisons is the April 16, 2002 judgment.

Although the court has authority under Fed. R. Crim. P. 36 to amend a judgment at any time for a clerical error, defendant's motion is not based on a clerical error, although that is how he titles his motion. The absence of a copy of the May 2, 2003 amended judgment has been corrected by sending another copy of the amended judgment to the Bureau of Prisons so it may recalculate defendant's release date. Defendant's new release date is now October 31, 2027.

ORDER

IT IS ORDERED that defendant Rodney Raines's motion to correct a clerical error in the judgment is denied as moot.

Entered this 16th day of October, 2015.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge