

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL E. KOEHLER,

Defendant.

ORDER

02-CR-0124-C

Defendant Michael E. Koehler has filed an “Emergency Motion for Reconsideration or Stay of Court Order of 30 September 2004,” in which he asks the court to rescind its motion finding him in default because he has not made a good faith effort to pay restitution. The government opposes reconsideration.

Defendant was convicted in this court on February 14, 2003, on his plea of guilty to the charge of embezzling funds from Local 965 of the International Brotherhood of Electrical Workers, in violation of 29 U.S.C. § 501(c). He was sentenced to a term of imprisonment of 25 months and ordered to make restitution in the amount of \$135,197.75. On September 29, 2004, the government filed a motion for a finding of default pursuant to 18 U.S.C. § 3613a. On September 30, 2004, I granted the government’s motion upon its

showing that defendant had paid only \$625.00 toward his restitution obligation, had failed to provide the government with a financial statement as he had agreed to do and had failed to liquidate any assets with which he could meet his restitution obligation.

Defendant does not argue in his motion that the government misrepresented his lack of compliance with its efforts to determine the state of his finances or his apparent unwillingness to liquidate his assets to meet his obligations. He says merely that he did not have notice of the government's intent to file a motion to find him in default and that he has not been able to retain counsel to represent him on this matter.

Defendant's arguments do not persuade me to reconsider the September 30 order. He has not shown that the order was based on any misunderstanding of his cooperation with the government. As for his request to stay the order to allow him to retain counsel, he has alleged no reason why he might need a lawyer in order to comply with his court-ordered obligation to pay restitution.

ORDER

IT IS ORDERED that defendant Michael E. Koehler's motion for reconsideration of this court's September 30, 2004 order finding him in default of his obligation to make

restitution as ordered on February 14, 2004, is DENIED.

Entered this 15th day of October, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge