

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

TIMOTHY M. TIERNEY,

Defendant.

ORDER

02-CR-0155-C

Defendant Tierney has filed a request with the Bureau of Prisons for a retroactive (concurrent) designation pursuant to 18 U.S.C. § 3621(b). The Bureau of Prisons requests the court's position on Mr. Tierney's request. Before responding, I would like to know counsel's views on the matter. Therefore, David Mandell has been reappointed to represent defendant Tierney for the sole purpose of addressing this issue. The government and defense counsel may have until November 9, 2007, in which to file and serve a response brief. Each side may have five days thereafter to serve and file a reply.

Entered this 16th day of October, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge