

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

LAWRENCE BROWN III,

Defendant.

ORDER

03-C-0507-C

99-CR-0017-C-01

Defendant Lawrence Brown III has filed a motion to modify the term of his supervised release. In support of the motion, defendant alleges that he has devoted his non-working and recreational time to self improvement and rehabilitation and that he has had only one incident report since he was sentenced on July 26, 1999.

Defendant is to be commended for his efforts to improve himself and to prepare for his return to society. Unfortunately, I cannot reduce his term of supervised release at this time. Once a district court imposes a sentence, the court has no authority to change that sentence. There are two exceptions, neither of which applies in this case. (1) The defendant appeals his sentence successfully and the court of appeals returns the case to the district

court for resentencing or (2) the government files a motion for reduction of sentence pursuant to Fed. R. Civ. P. 35. Defendant's appeal was unsuccessful and the government has never moved for a reduction of sentence. Moreover, the time in which the government could file such a motion has expired.

Although I cannot change defendant's sentence at this time, he may be eligible for early termination of his supervised release if he continues to do as well on release as he has been doing in custody. If defendant's supervising probation officer were to be convinced that early termination was warranted and petition the court, I would give careful consideration to the request.

ORDER

IT IS ORDERED that defendant Lawrence Brown III's motion for reduction of sentence is DENIED.

Entered this 25th day of September, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge