

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

JARED G. MOLNER,

Defendant.

ORDER

06-CR-02-C-01

On February 2, 2007, this court held a telephonic status conference to determine what should happen next with defendant Jared Molner, currently housed at FMC-Butner for an attempt to return him to legal competency. Approximately 90 minutes before the court's hearing, it received the psychological report from FMC-Butner dated January 18, 2007. It is perplexing that this report would take 15 days to reach Wisconsin from North Carolina; by coincidence, it was written one week before the court's January 25, 2007 order stating that FMC-Butner had not complied with its statutory obligations under 18 U.S.C. §4241 *et. seq.*

Be that as it may, the report recommends that Molner remain at FMC-Butner for four additional months pursuant to §4241(d)(1) so that staff may build on their efforts to overcome Molner's mutism. This was the consensus reached at the February 2, 2007 hearing with the government and counsel for Molner.

During the hearing, however, the government reported that FMC-Butner on its own volition had initiated Molner's transfer back to this court for further proceedings. Why the center would do that in the face of its own recommendation and in the absence of a court order requesting Molner's presence in this district is inexplicable. It is possible that whatever progress the treatment providers have made with Molner has been lost as a result of this *sua sponte* decision to transfer. So all we can do now is attempt to minimize the damage and proceed as recommended in the January 18, 2007 report.

Therefore, it is ORDERED that defendant Jared Molner is committed to the custody of the Attorney General for continued treatment at FMC-Butner for a period of four additional months to determine whether there is a substantial probability that Molner will obtain the capacity to permit his trial in this case to proceed.

It is further ORDERED that Molner's return to this judicial district is CANCELED, and Molner is to be returned forthwith to FMC-Butner from the federal transfer center.

Entered this 2nd day of February, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge