

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

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

06-cr-56-bbc

v.

ANDRE FISHER,

Defendant.

On November 17, 2011, defendant Andre Fisher filed a motion for a sentence reduction under 18 U.S.C. § 3582. His motion was denied on December 30, 2011. Defendant appealed the denial to the Court of Appeals for the Seventh Circuit. His appeal is pending. Defendant has now filed a motion for relief from judgment under Fed. R. Civ. P. Rule 60(b) in which he states that the court erred in calculating the amount of crack cocaine attributed to him and, because of that error, he is eligible for a reduction under § 3582.

As I explained to defendant in the February 21, 2012 order, dkt. #62, absent extraordinary circumstances, the district court should not consider any motions while an

appeal is pending. United States v. Robinson, 8 F.3d 398 (7th Cir. 1993). Defendant has not alleged any extraordinary circumstances that require re-consideration of his motion while his appeal is pending before the court of appeals for review. Therefore, I will deny defendant's motion without prejudice because it is premature.

I will not consider any additional motions regarding defendant's motion for a sentence reduction under § 3582.

ORDER

IT IS ORDERED that defendant Andre Fisher's motion for relief from judgment under Fed. R. Civ. P. Rule 60(b) is DENIED as premature.

Entered this 28th day of May, 2012.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge