

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

ORLANDO ROSALES,

Defendant.

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ORDER

14-cr-114-bbc

Defendant Orlando Rosales has written to ask why he remains in state custody when he was sentenced in federal court. In the same letter, he asks the court for new counsel and for a retroactive concurrent designation. I will answer his question and treat his two requests as a motion.

The answer to his question about why he is still in state custody is that at the time of his federal sentencing, he was in primary state custody in Sauk County, Wisconsin, awaiting resolution of four matters: 14TR3905, 14CF186, 14FO1670 and 14CF158 (revocation of probation). He was brought to federal court for sentencing on a writ of habeas corpus, dkt. #24, and he was returned to that custody once he had been sentenced. On May 22, 2015, defendant's probation was revoked by the state court in case no. 14CF158 and he was sentenced to a term of 18 months in state prison, with the term to run concurrently with any other sentence. On the same day, he entered a plea of guilty to the

state charge in 14CF186 and was sentenced to a term 15 months in state prison. Again, the term was to run concurrently with his other state and federal sentences. Cases nos. 14TR3905 and 14FO1670 were dismissed.

Because defendant was first in the custody of the state of Wisconsin, his first obligation is to complete his state sentences. Only then will he be transferred to federal custody to complete his federal sentence.

As to defendant's motion for a retroactive concurrent designation, I do not have the authority to grant it because such designations are within the purview of the Bureau of Prisons. However, I can recommend to the bureau that it make a retroactive designation of defendant's federal sentence.

Defendant's request for the appointment of counsel to assist him in obtaining a concurrent designation of his federal sentence will be denied because it is unnecessary. Defendant is obtaining all of the relief available to him.

## ORDER

IT IS ORDERED that defendant Orlando Rosales's motion for appointment of counsel is DENIED. In response to defendant's motion for a retroactive concurrent sentence, IT IS RECOMMENDED to the Bureau of Prisons that it run defendant's federal sentence concurrently with his Sauk County, Wisconsin sentences in cases 14CF158 and 14CF186 as of March 5, 2015 and that it designate the New Lisbon Correctional Institution

in which defendant is confined for service of his federal sentence until such time as his state sentences are complete and he is remanded into the custody of the Bureau of Prisons.

Entered this 1st day of October, 2015.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge