

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

REGINALD T. COLE,

Defendant.

ORDER

01-CR-64-C

Defendant Reginald T. Cole has moved for a reduction of his sentence pursuant to Fed. R. Crim. P. 36. Rule 36 permits the court to correct a clerical error at any time. However, defendant's request is not limited to the correction of a clerical error. He is seeking an amendment of his sentence to credit him for previous undischarged terms of imprisonment in Minnesota.

Not only is defendant proceeding under a rule that does not afford him the kind of relief he is requesting, his motion is filed far too late to be considered. Defendant was sentenced on November 20, 2001. If he believed his sentence was improperly calculated, he should have filed an appeal promptly after his sentencing. If he wished to have his sentence reduced, he had one year in which to bring a motion pursuant to 28 U.S.C. § 2255 for that purpose.

I have no authority to “correct” defendant’s sentence. Therefore, his motion for a clerical correction is DENIED.

Entered this 11th day of June, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge