

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

-----  
UNITED STATES OF AMERICA,

Plaintiff,

v.

ISREAL FLORES,

Defendant.

-----

ORDER

05-CR-0164-C

Defendant Isreal Flores has asked for a postponement of his sentencing to give him an opportunity to challenge and perhaps vacate a 1994 conviction for simple robbery. The government opposes the request.

Although it is unlikely that defendant's effort will be successful, I will give him the 45-day extension he is requesting. If one of his previous convictions was obtained in violation of the Constitution, he would no longer be classified as a career offender. The government objects to giving him an opportunity to take up this previous conviction, arguing that if he succeeded, his sentencing guideline range would be reduced dramatically. But of course that is what defendant is seeking and what he is entitled to if he succeeds in showing that one of his previous convictions was invalid.

I will grant defendant's request for a 45-day extension on the understanding that if he has not secured vacation of his 1994 conviction by that time, he may have no further extensions.

ORDER

Defendant's request for a 45-day extension of his sentencing is GRANTED. The sentencing will be re-scheduled for Thursday, August 3, 2006, at 1:00 p.m.

Entered this 5th day of June, 2006.

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