

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT G. SMITH,

Defendant.

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ORDER

05-cr-39-bbc

Defendant has filed a motion to voluntary surrender into federal custody after serving the remainder of his state sentence. He asks to be released for a period of 60 days to allow him to be with his family who have suffered health problems and to attend Native American ceremonies that will assist him spiritually to deal with the upcoming service of his federal sentence.

The government objects to defendant's motion on the ground that this court does not have the authority to release a defendant who is currently in the custody of the Bureau of Prisons. The government is correct. This court lacks the authority to grant the relief requested.

ORDER

Defendant's motion to voluntarily surrender into federal custody is DENIED.

Entered this 1st day of February, 2016.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge