

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARK HURN,

Defendant.

ORDER

05-cr-85-bbc

On July 25, 2013, defendant Mark Hurn filed a motion for post conviction relief under 28 U.S.C. § 2255, contending that he is entitled to have his sentence set aside because it was imposed in violation of the law. He relied on the Supreme Court decision in Alleyne v. United States, 133 S. Ct. 2151 (2013). In an order entered on July 29, 2013, I explained to defendant that Alleyne did not apply to his situation because he was never subject to a mandatory minimum sentence.

Defendant has now filed a motion to amend his § 2255 motion. I will construe defendant's submission as a motion for reconsideration of the court's July 29, 2013 order. Nothing in defendant's motion convinces me that it was error to deny his motion as untimely.

ORDER

IT IS ORDERED that defendant Mark Hurn's motion for reconsideration is DENIED.

Entered this 12th day of August, 2013.

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