

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

UNITED STATES OF AMERICA,
Plaintiff,

ORDER
06-cr-56-bbc

v.

ANDRE FISHER,
Defendant.

On November 17, 2011, defendant Andre Fisher filed a motion for a sentence reduction under 18 U.S.C. § 3582. His motion was denied on December 30, 2011. Defendant appealed the denial to the Court of Appeals for the Seventh Circuit. His appeal is pending. Defendant has now filed a letter in which he states that an error was made in the calculation of the amount of crack cocaine attributed to him and, because of that error, he is not eligible for a reduction under § 3582. I construe defendant's letter as a motion for clarification.

Absent extraordinary circumstances, the district court should not consider any motions while an appeal is pending. United States v. Robinson, 8 F.3d 398 (7th Cir. 1993).

Defendant has not alleged any extraordinary circumstances that require re-consideration of his motion while his appeal is pending. Therefore, I will deny defendant's motion without prejudice because it is premature.

ORDER

IT IS ORDERED that defendant Andre Fisher's motion for clarification is DENIED as premature.

Entered this 17th day of February, 2012.

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