

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

ORDER

07-CR-0094-C

BRUCE J. RHODES,

Defendant.

Defendant Rhodes has moved for a court order returning him to the custody of the Wisconsin Department of Corrections, specifically to Rhodes's designated institution, the Kettle Moraine Correctional Institution. *See* Dkt. 8.

The court has the ability to grant this motion, there are no hearings in this case until August 30, 2007, and a defendant detained at a local jail does not have access to the programming and facilities available at a state correctional institution. If the court system had the resources to shuttle prisoners in the fashion requested by Rhodes, it would do so.

Unfortunately, the court and the Marshals Service do not have the resources or ability to taxi prisoners back and forth to their institutions. There are not enough deputy marshals to engage in this task, particularly considering all the other higher priority duties already on the agenda. Even if this court had the resources to transport one or two pretrial detainees incarcerated at state institutions, it could not move them all, and there is no principled way to determine who gets to leave the jail to return to his home institution. Finally, even if

defense attorneys are willing and able to travel to a defendant's state institution to prepare for trial, the court will not endorse this expenditure of government funds when all of the contract jails are closer to the federal courthouse and the federal defender's office in Madison.

In short, with genuine sympathy for Rhodes's position, it is ORDERED that his motion to return to state custody is DENIED.

Entered this 11th day of July, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge