

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
)
DONALD KENARD DAVIS)
)
 Defendant.)

)

Case No. 92-40037-02

MEMORANDUM AND ORDER
DENYING DEFENDANT’S MOTION FOR EARLY DISCHARGE

This matter is before the Court on defendant Donald Kenard Davis’s Motion for Early Discharge From Supervised Release (Doc. 231). The Court¹ has thoroughly reviewed the defendant’s motion and the record in this case, and for the following reasons, denies the motion.

Defendant was convicted of possession with intent to distribute cocaine and crack cocaine, and conspiracy to possess with intent to distribute crack cocaine, and was sentenced to a total sentence of 240 months of custody and a five year term of supervised release. On December 14, 2007, the defendant completed his prison sentence and commenced his term of supervised release. To date, the defendant has been compliant with the terms of his supervision, having maintained a stable residence and stable employment, having abided by his reporting obligations and having not tested positive for the use of any illegal substances.

¹This matter has been assigned to the undersigned Judge, because the Honorable Dale E. Saffels, who sentenced this defendant, is now deceased.

However, the defendant has only served 24 months of his 60 month term of supervised release. He has a significant and lengthy criminal history. In this case, he served a lengthy sentence and has served only one third of his term of supervised release. There are no special circumstances present that justify an early discharge from the individual and societal benefits and interests flowing from supervised release. The probation officer does not support defendant's request for early discharge and recommends that the request be denied.

IT IS THEREFORE ORDERED that the defendant's motion for an early discharge from supervised release is DENIED.

Dated this 23rd day of December, 2009, at Topeka, Kansas.

S/ Julie A. Robinson
JULIE A. ROBINSON
United States District Judge