

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

Vs.

No. 94-40018-01-SAC

JAY E. BAZY,

Defendant.

MEMORANDUM AND ORDER

After serving his term of imprisonment for a drug trafficking offense, the defendant began serving his five-year term of supervised release in September of 2004. While on supervised release, the defendant committed two state drug offenses for which he was arrested, charged, convicted, and sentenced. The defendant stipulated to the violation report at the final revocation hearing, and this court sentenced the defendant to fifty-seven (57) months custody to run concurrently with the sentences imposed in the state drug case No. 06CR782 in Johnson County, Kansas. Even though the sentences run concurrently, the defendant will return to the custody of the Bureau of Prisons at some point because his federal sentence is longer than his state sentences. The defendant now moves the court to recommend to the Bureau of Prisons ("BOP") that he serve the

balance of his federal sentence in the state institution of Norton Correctional Facility in Norton, Kansas. The defendant further moves the court for credit toward his federal sentence since the date of his arrest on March 12, 2006. (Dk. 138). The government does not oppose the court making a non-binding recommendation to the BOP consistent with the defendant's motion. (Dk. 139).

The court will grant the defendant's motion insofar as the court now recommends to the BOP that the defendant serve his remaining federal sentence at the Norton Correctional Facility in Norton, Kansas, and that the defendant receive credit for pre-sentencing custody consistent with 18 U.S.C. § 3585(b). These are only recommendations, as the BOP is responsible for designating facilities and for computing sentencing credit under § 3585(b).

IT IS THEREFORE ORDERED that the defendant's motion for recommendations (Dk. 138) is granted to the extent stated above.

Dated this 8th day of May, 2008, Topeka, Kansas.

s/ Sam A. Crow
Sam A. Crow, U.S. District Senior Judge