

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,
Plaintiff,

vs.

Case No. 95-10079-JTM

ANTHONY S. SMITH,
Defendant.

MEMORANDUM AND ORDER

On September 12, 1996, defendant Anthony Smith was sentenced to 151 months imprisonment. Smith served his federal sentence, and is currently in the custody of the Kansas Department of Corrections on state charges. He has now moved for the court for an order crediting him for certain time spent in custody in 1996. However, as explained by the court in its Order of February 25, 2016, the federal case is closed, and “this terminated criminal prosecution is not a proper vehicle for challenging any state incarceration.” (Dkt. 75, at 2). The court lacks jurisdiction to adjust defendant’s state sentence.

IT IS ACCORDINGLY ORDERED this 2nd day of June, 2017, that the defendant’s Motion for Jail Credit (Dkt. 76) is hereby denied.

s/ J. Thomas Marten
J. THOMAS MARTEN, JUDGE