

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 98-40008-03-JAR
	)	
	)	
MICHAEL D. CARTER	)	
	)	
Defendant.	)	
_____	)	

**MEMORANDUM AND ORDER**  
**DENYING DEFENDANT’S MOTION FOR EARLY TERMINATION**

This matter is before the Court on defendant Michael D. Carter’s Motion for Termination of Supervised Release. (Doc. 117). The Court<sup>1</sup> 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 conspiracy to distribute crack cocaine and sentenced to a term of 120 months of custody and a five year term of supervised release. After 72 months the defendant was released from prison apparently due to being granted good time and other credits. The defendant commenced the term of supervised release in October 2005. Thus, he has served approximately 2 years of a five year term of supervised release. Contrary to his representation that he has been an “exceptional supervisee,” during his two years of supervision, the defendant has made positive strides, yet has also periodically been noncompliant with the terms of his

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

supervision. And, contrary to the defendant's representation that the supervising probation officers are in favor of his early release, the probation office does not recommend his early release, noting that the defendant has neither excelled or failed on supervision, but made normal, expected and appropriate progress. Given the serious nature of the offense, the length of the term of supervised release and the defendant's unexceptional course of supervision, this Court finds no cause to terminate supervised release.

**IT IS THEREFORE ORDERED** that the defendant's motion for termination of supervised release is DENIED.

Dated this 26<sup>th</sup> day of November, 2007, at Topeka, Kansas.

S/ Julie A. Robinson

JULIE A. ROBINSON  
United States District Judge