

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

United States of America,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 04-10257-WEB
	)	
Ryan C. Wolf,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

Now before the Court are the Government's objections to the pre-sentence report. The record shows that Defendant pleaded guilty on December 12, 2005 to misapplication of student assistance in violation of 20 U.S.C. § 1097(a) and 18 U.S.C. § 2, to theft of federal funds in violation of 18 U.S.C. § 666, and mail fraud in violation of 18 U.S.C. § § 1341, 1346, and 2.

The Government makes two objections to the pre-sentence report. First, The Government claims the defendant should receive an enhancement pursuant to U.S.S.G. § 2B1.1(b)(9)(C) because the offense involved sophisticated means. The Government also argues the Defendant should receive an enhancement pursuant to U.S.S.G. § 3B1.1 because Defendant was an organizer, leader, manager or supervisor.

The Government has also made a more recent motion to reduce Defendant's sentence to probation pursuant to section 5K1.1 because the defendant has assisted the Government in its investigation. The Court notes Defendant's substantial assistance given to the Government in its investigation of other individuals. Consequently, the Court denies the Government's motions for sentencing enhancements as moot. The Court grants the Government's motion for a downward

departure pursuant to section 5K1.1.

IT IS ORDERED FOR THE REASONS SET FORTH ABOVE that the Government's motions for sentence enhancement be DENIED and the Government's motion for a downward departure under section 5K1.1 be GRANTED. The Probation Officer in charge of this case shall see that a copy of this order is appended to any copy of the Presentence Report.

SO ORDERED this 14th day of August, 2006.

s/ Wesley E. Brown

Wesley E. Brown, Senior U.S. District Judge