

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
v.)	
)	No. 04-20010-01-KHV
GUSTAVO ROCHA,)	
)	
Defendant.)	
_____)	

ORDER

On March 30, 2004, Gustavo Rocha entered a plea of guilty to conspiracy with intent to distribute cocaine in violation of 21 U.S.C. § 846. The Court sentenced defendant to 51 months in prison and entered judgment on June 23, 2004. This matter comes before the Court on Defendant’s Motion Requesting A Court Recommendation For Residential Alcohol Abuse Treatment Program(Doc. #72) filed June 2, 2005.

On April 13, 2005, the Court issued an order which overruled defendant’s request to amend the presentence report to state that defendant had abused drugs and recommend him for the 500-hour drug abuse treatment program. See Order (Doc. #70). To the extent defendant seeks reconsideration of that order, the Court overrules his request as untimely and without merit. See D. Kan. Rule 7.3(b).

To the extent defendant seeks an order which recommends the residential alcohol abuse treatment program, the Court overrules his request. At sentencing, defendant did not report facts which would support such a recommendation.¹ The Court defers to Bureau of Prisons policies and procedures regarding

¹ The presentence report states as follows: “Mr. Rocha said he first drank an alcoholic
(continued...) ”

whether defendant should receive alcohol abuse treatment.

IT IS THEREFORE ORDERED that Defendant's Motion Requesting A Court Recommendation For Residential Alcohol Abuse Treatment Program (Doc. #72) filed June 2, 2005 be and hereby is **OVERRULED**.

Dated this 21st day of June, 2005, at Kansas City, Kansas.

s/ Kathryn H. Vratil
Kathryn H. Vratil
United States District Judge

¹(...continued)

beverage (beer) at the age of 16. He drinks two or three times each month in social settings usually in the presence of friends.”