

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) 05-cm-60042-01-WEB
)
SAUL TREJO-GUZMAN,)
)
Defendant.)
_____)

Memorandum and Order

The court enters this order to dismiss a pending Petition for Revocation of defendant’s Supervised Release and also to withdraw the arrest warrant associated with that Petition. The court does so because, as explained below, the Petition is now moot in view of this court’s sentencing of the defendant in *United States v. Trejo-Guzman*, No. 05-10035-01-WEB (D. Kan.).

I. Background & Discussion.

In *United States v. Trejo-Guzman*, No. 00-cr-01495-01-LH (D. N. Mex.) (“the New Mexico case”), defendant Saul Trejo-Guzman was convicted of one count of violating 8 U.S.C. § 1326(a)(1), (2) & (b)(1). On March 12, 2001, he was sentenced in U.S. District Court for the District of New Mexico to a term of imprisonment of 24 months, to be followed by supervised release of 3 years. Following the completion of this prison term, the defendant was placed on supervised release and was deported.

On March 8, 2005, after the defendant was found and arrested in Liberal, Kansas, he was indicted in U.S. District Court for the District of Kansas on one count of violating 8 U.S.C. § 1326(a) & (b)(1).

See United States v. Trejo-Guzman, No. 05-10035-01-WEB (D. Kan.) (“the Kansas case”). On May 2, 2005, the defendant entered a plea of guilty to this offense.

Because the defendant’s conduct in Kansas was a violation of his supervised release in the New Mexico case, a Probation Officer in New Mexico filed a Petition to Revoke the defendant’s Supervised Release in Case 00-cr-01495-01-LH (D. N.Mex.) and obtained an arrest warrant for the defendant to be brought before the U.S. District Court in New Mexico to show cause why his supervised release should not be revoked. The Petition to Revoke was filed May 2, 2005. On May 9, 2005, jurisdiction over the defendant’s supervised release in Case 00-cr-01495 was transferred from the District of New Mexico to the District of Kansas. Documents evidencing the transfer were sent to this district and filed on June 24, 2005. The matter was assigned Case No. 05-cm-60042-01-WEB in the District of Kansas.

On June 27, 2005, the defendant appeared this court and was sentenced in the Kansas case (05-10035-01-WEB) to 33 months’ imprisonment to be followed by 2 years of supervised release. In imposing this sentence, the court took into account the entire realm of the defendant’s conduct, including his prior offense conduct in the New Mexico case. In light of this fact, the court determines that the Petition to Revoke the defendant’s supervised release in the New Mexico case is now moot, and that no revocation is warranted at this time.

II. Conclusion.

The Court determines that the Petition for Revocation of Supervised Release filed May 2, 2005, (Dkt. 17, U.S. Dist. Ct. for the District of New Mexico Case No. 00-cr-1495) should be, and is hereby, DENIED.

The Arrest Warrant for Saul Trejo-Guzman issued by the U.S. District Court for the District of

New Mexico in Case No. 00-cr-1495 and filed in that court on May 2, 2005, is hereby WITHDRAWN.

The defendant's remaining term of supervised release from the New Mexico case (No. 00-cr-01495) shall run concurrently with the term of supervised release imposed by this court in the Kansas case (No. 05-10035-01-WEB).

IT IS SO ORDERED this 15th Day of July, 2005, at Wichita, Ks.

s/Wesley E. Brown

Wesley E. Brown

U.S. Senior District Judge