

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CRIMINAL ACTION
)	
v.)	No. 05-20123-01-KHV
)	
MICHAEL B. CASEY,)	
)	
Defendant.)	
_____)	

MEMORANDUM AND ORDER

On January 8, 2007, the Court sentenced defendant to 63 months in prison consecutive to his sentences in Kansas state court. This matter is before the Court on defendant’s letter (Doc. #25) filed June 3, 2019, which seeks a judicial recommendation for a sentence reduction. Defendant notes that he has successfully completed a portion of the Residential Drug Abuse Program (“RDAP”). He asks the Court to recommend that upon completion of RDAP, his sentence be reduced by one year.

Under 18 U.S.C. § 3621(e), inmates who complete RDAP and meet certain other qualifications may receive a reduction in sentence of up to one year at the discretion of the Bureau of Prisons (“BOP”). See 18 U.S.C. § 3621(e)(2)(B); Lopez v. Davis, 531 U.S. 230, 242 (2001) (§ 3621(e)(2)(B) instructs that BOP “has discretion to reduce the period of imprisonment for a nonviolent offender who successfully completes drug treatment”); Kyles v. Chester, 457 F. App’x 780, 784 (10th Cir. 2012) (eligibility for sentence reduction left to BOP discretion within statutory limitation that only nonviolent offenders can earn a sentence reduction). The BOP is authorized to determine whether an inmate qualifies for a sentence reduction without the benefit of the sentencing court’s recommendation on the issue. The Court does not necessarily oppose a

reduction, but the BOP is the entity which makes this determination. For these reasons, defendant's request for a judicial recommendation is overruled.

IT IS THEREFORE ORDERED that defendant's letter (Doc. #25) filed June 3, 2019, which seeks a judicial recommendation for a sentence reduction, is **OVERRULED**.

Dated this 26th day of August, 2019 at Kansas City, Kansas.

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