

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,
Plaintiff,

vs.

No. 07-10009-JTM

TIMOTHY OLIVAS,
Defendant.

MEMORANDUM AND ORDER

Defendant Timony Olivas, who has 45 months left to serve on his 240 month sentence on firearms charges and who is concerned about the danger presented by the covid virus, has asked that the court assign a public defender to advocate on his behalf. (Dkt. 27). There is no pending motion for sentence reduction before the court; Olivas's motion states instead that he has filed a request for compassionate release with the Warden of FCI Schuykill. He will "proceed with a 3582 motion" after the Warden denies the request or takes no action for 30 days. (*Id.* at 1). Because there is no pending motion for release, appointment is premature. Further, should such motion be filed, Administrative Order 2020-8 shall govern the procedure for reviewing Olivas's request for release.

IT IS ACCORDINGLY ORDERED this day of June, 2020, that the defendant's Motion for Appointment (Dkt. 27) is denied without prejudice.

J. Thomas Marten
J. Thomas Marten, Judge