

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

United States of America,
Plaintiff,

vs.

Case No. 07-10143-03-JTM

Clinton A.D. Knight,
Defendant.

MEMORANDUM AND ORDER

This matter is before the court on defendant Clinton Knight's Motion for Temporary Interruption of Sentence. (Dkt. 701). Knight is currently in the custody of the Bureau of Prisons (BOP). "Congress has given the BOP — not the courts — the authority to temporarily release a federal prisoner." *Bania v. Federal Bureau of Prisons*, Civil No. 10-2212 SRN/FLN, 2011 WL 882096 at *4 (D.Minn. Feb. 24, 2011). Specifically, 18 U.S.C. § 3622 authorizes the BOP(a) to temporarily release a prisoner under six specific conditions, none of which is applicable here.

As a result of this statutory direction, the court is without jurisdiction to grant the relief sought. *See United States v. Reed*, No. 01-CR-20062, 2008 WL 4822045 (C.D.Ill. Oct. 28, 2008) (the court "does not have jurisdiction to grant a temporary interruption of sentence

and that power remains exclusively with the Bureau of Prisons"); *United States v. Greer*, No. 03-CR-194, 2010 WL 3279335 at * 1 (E.D.Wis. Aug. 19, 2010) ("the BOP may release a prisoner for specified purposes, including to visit dying relatives or attend funerals, but nothing in that statute appears to confer similar power on the sentencing court").

IT IS ACCORDINGLY ORDERED this 19th day of May, 2016 that the defendant's Motion for Interruption (Dkt. 701) is denied.

s/ J. Thomas Marten
J. THOMAS MARTEN, JUDGE