IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,)	
Plaintiff,)	
v.)	Case No. 07-10180-06-WEB
)	
ANDREW S. WANG,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

Before the court is the defendant' Motion to Amend Presentence Investigation Report (Doc. 357). The defendant states that he was not completely truthful with the probation officer completing his presentence investigative report, and he wants the report amended to reflect his addiction to prescription drugs and alcohol. The Defendant has provided doctor prescriptions and medical records to show the number of prescriptions he had obtained. The Defendant requests the court amend his presentence report to allow him to gain entry to the residential drug and alcohol program in the Bureau of Prisons.

Challenges to a PSI after sentencing must be based on a statute or rule which give the court jurisdiction to consider the challenge. <u>United States v. Warner</u>, 23 F.3d 287, 290 (10th Cir. 1994). Subsequent to sentencing, there is not an independent jurisdictional basis for attacking the accuracy of a presentence report. <u>Id.</u>, n. 3. This court is without jurisdiction to amend the presentence report.

IT IS THEREFORE ORDERED that the petitioner's Motion to Amend Presentence Investigation Report (Doc. 357) is denied.

IT IS SO ORDERED this 1st day of April, 2010.

s/ Wesley E. Brown
Wesley E. Brown
United States Senior District Court Judge