

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 08-10065-01-JTM

KEVIN ISAAC STARKS,

Defendant.

MEMORANDUM & ORDER

This matter is before the court on defendant's pro se motion requesting the court to recommend to the Federal Bureau of Prisons ("BOP") defendant's placement in a residential reentry center the last 10 to 12 months of his 151-month sentence. (Dkt. 31). Under 18 U.S.C. § 3621, BOP may consider "a statement by the court that imposed the sentence . . . recommending a type of penal or correctional facility as appropriate[.]" *Id.* § 3621(4)(B). The court, having reviewed the motion and consulted with the United States Probation Office for the District of Kansas, Wichita Division, recommends that defendant receive placement in a reentry center and/or halfway house for the maximum time authorized by law to promote successful reentry and transition. *See* 18 U.S.C. § 3624(c)(1) (to the extent practicable, BOP shall "ensure that a prisoner serving a term of imprisonment spends a portion of the final months of that term (not to exceed 12 months), under conditions that will afford that prisoner a reasonable opportunity to adjust to and prepare for the reentry of that prisoner into the community[,]. . . which may include a community correctional facility[.]"). However, the final decision on

defendant's placement remains with BOP as the court's recommendation is not binding. *See Id.* § 3621(5) ("Any order, recommendation, or request by a sentencing court that a convicted person serve a term of imprisonment in a community corrections facility shall have no binding effect on the authority of the Bureau under this section to determine or change the place of imprisonment of that person.").

IT IS THEREFORE ORDERED this 10th day of August, 2017, that defendant's motion for judicial recommendation (Dkt. 31) is granted. The court recommends that BOP place defendant in a residential reentry center for 12 months, or other period of time deemed appropriate.

s/ J. Thomas Marten
J. Thomas Marten, Judge