IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 09-20038-01-KHV
	)	
SCOTT L. RUTHER,	)	
	)	
Defendant.	)	

ORDER

On May 22, 2009, the undersigned U.S. Magistrate Judge, James P. O'Hara, held a hearing in this tax fraud case on the motion of the government to modify defendant's conditions of release **(doc. 8)**. The defendant, Scott L. Ruther, filed a response (doc. 12).

The undersigned has reviewed the transcript of U.S. District Judge John W. Lungstrum's ruling from the bench on February 28, 2007, reversing the undersigned's order imposing a condition of release similar to the one requested here.[1] The undersigned finds insufficient evidence in the record that defendant is continuing the conduct alleged in the indictment. The court therefore denies the instant motion, but without prejudice to the government filing motions requesting similar relief in other cases.

Dated this 28th day of May, 2009, at Kansas City, Kansas.

s/ James P. O'Hara
James P. O'Hara
U.S. Magistrate Judge

[1]*United States v. Franklin*, No. 06-20176-01/02, 2007 WL 486579 (D. Kan. Feb. 13, 2007).