

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

Case No. 10-10142-01-JTM

DONTI FRANKLIN,  
Defendant.

MEMORANDUM AND ORDER

Defendant Donti Franklin pled guilty (Dkt. 26, 27) to charges of possession with intent to distribute marijuana and possession of a firearm in furtherance of a drug trafficking crime, and sentenced to a term of imprisonment of 24 months. (Dkt. 40). The court also imposed a \$200 special assessment. The court specifically determined that payment of the assessment would “begin immediately” (*Id.* at 6).

The matter is now before the court on Franklin’s Motion to Waive Fees (Dkt. 42), in which he seeks a suspension of any further payment of the special assessment until after his term of imprisonment. In support of his motion, Franklin cites “THE CURRENT RECESSION, AND HARDSHIP ON HIS FAMILY” if he is forced to pay the special assessment. (*Id.* at 1). The United States has opposed the motion, stating that there is no reason to conclude that Franklin is differently situated from any other inmate. (Dkt. 43).

The court finds that the motion should be denied. First, neither the recession nor the financial situation of Franklin's family is a sudden or new development intervening after the January 19, 2011, when the court specifically determined that payment of the special assessment should "begin immediately." The same conditions existed at the time sentence was imposed. Second, neither the recession nor the family situation are relevant to or otherwise limit Franklin's ability to make periodic payments towards the special assessment.

The information supplied by the United States, the Probation Office, and the relevant prison officials demonstrates that it is the policy of the Bureau of Prisons to collect quarterly payments of at most \$25.00 from inmates similarly situated to Franklin, and that it never attempts to collect payments from family members. Further, Franklin has obtained prison employment, and has an inmate account balance of \$130.59.

IT IS ACCORDINGLY ORDERED this 16<sup>th</sup> day of May, 2011 that the defendant's Motion to Waive Assessment Fees (Dkt. 42) is hereby denied.

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