

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) Case No. 10-10145-WEB
)
 ROY MCCLELLAN,)
)
 Defendant.)

This matter comes before the court for sentencing of the defendant, Roy McClellan. Defendant pleaded guilty to possession with intent to distribute approximately one gram of heroin, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C). Defendant filed two objections to the presentence report. The Government did not oppose the defendant's objections. This Memorandum and Order supplements the court's oral rulings.

Based on the stipulation of the parties, and the request for a binding sentence recommendation, the court considers their request as an agreement for a Rule 11(c)(1)(C) plea, for an agreed upon sentence of 18 months. The parties also request a three year term of supervised release, a special assessment of \$100.00, and no fine. The request is granted. The presentence report is adopted as written. Defendant's objections to the report are denied as moot.

IT IS THEREFORE ORDERED defendant's objections to the Presentence Report are

denied as moot. The Probation Officer in charge of this case shall see that a copy of this order is appended to any copy of the Presentence Report made available to the Bureau of Prisons.

IT IS SO ORDERED this 20th day of April, 2011, at Wichita, Kansas.

s/ Wesley E. Brown
Wesley E. Brown
U.S. Senior District Court Judge