

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

UNITED STATES,

Plaintiff,

v.

FREDDIE LISK,

Defendant.

Case No. 10-CR-40056-JAR

ORDER DISMISSING MOTION FOR COMPASSIONATE RELEASE

This matter comes before the Court on Defendant Freddie Lisk's letter to the Court, construed as a Motion for Compassionate Release (Doc. 32). For the reasons provided below, Defendant's motion is denied as moot.

I. Background

On January 31, 2011, Defendant pleaded guilty to one count of possession with intent to distribute 100 kilograms or more of a mixture or substance containing a detectable amount of marijuana, in violation of 21 U.S.C. § 841(b)(1)(B).¹ On March 30, 2011, this Court sentenced Defendant to a 72-month term of imprisonment, a 48-month term of supervised release, and a \$100 special assessment.² Defendant was imprisoned, but he was released from the Bureau of Prisons ("BOP") on December 11, 2015.

Defendant filed a letter with the Court on August 3, 2020, which the Court construed as a Motion for Compassionate Release. In this letter, he asserts that he would like to end his parole

¹ Doc. 23

² Doc. 30.

early and go home to his family. He states that his health is not good and attaches several medical records.

II. Legal Standards

“[I]t is well-settled that ‘[a] district court is authorized to modify a [d]efendant’s sentence only in specified instances where Congress has expressly granted the court jurisdiction to do so.’”³ Section 3582(c) permits a court to modify a term of imprisonment for compassionate release only if certain exceptions apply. Until recently, these exceptions required the BOP to move on a defendant’s behalf. In 2018, however, the First Step Act modified the compassionate release statute, permitting a defendant to bring his own motion for relief.⁴

III. Discussion

In this case, the BOP’s records indicate that Defendant was released from BOP custody and from prison on December 11, 2015. By the terms of the statute itself, § 3582(c)(1)(A) only allows the Court to “reduce the term of imprisonment.”⁵ Because Defendant is no longer in prison, there is no term of imprisonment for the Court to reduce.⁶ Thus, Defendant’s motion is moot, and the Court denies it.

Accordingly, Defendant’s Motion for Compassionate Release (Doc. 32) is **DENIED AS MOOT**.

³ *United States v. White*, 765 F.3d 1240, 1244 (10th Cir. 2014) (quoting *United States v. Blackwell*, 81 F.3d 945, 947 (10th Cir. 1996)).

⁴ First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194 (2018).

⁵ 18 U.S.C. § 3582(c)(1)(A); *see also Hirano v. United States*, Cr No. 99-00465 ACK, 2020 WL 1861659, at *4 (D. Hawaii Apr. 13, 2020) (finding that the defendant’s motion under § 3582(c)(1)(A) was moot because he was no longer imprisoned); *Kyle v. United States*, 2020 WL 760396, at *2 (N.D. W. Va. Feb. 14, 2020) (construing the defendant’s document as a motion for compassionate release under § 3582(c)(1)(A) and denying as moot because the defendant had already completed his term of imprisonment).

⁶ To the extent that Defendant is seeking to end a term of supervised release, the Court is unable to do so because the statutory language of § 3582(c)(1)(A) only allows the Court to “reduce the term of imprisonment” and not a term of supervised release. 18 U.S.C. § 3582(c)(1)(A); *see also Hirano*, 2020 WL 1861659, at *3 (reasoning that “supervised release was apart from, [and] not included in, the term of imprisonment subject to reduction.”).

IT IS SO ORDERED.

Dated: September 10, 2020

S/ Julie A. Robinson
JULIE A. ROBINSON
CHIEF UNITED STATES DISTRICT JUDGE