

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

UNITED STATES OF AMERICAN,

Plaintiff,

v.

AUSTIN ALAN RAY,

Defendant.

Case No. 11-cr-10029-EFM

MEMORANDUM AND ORDER

Before the Court is Defendant Austin Alan Ray's Motion to Terminate Defendant's Supervised Release (Doc. 95). In 2011, Defendant pled guilty to receiving child pornography, for which the Court sentenced him to 102 months' imprisonment followed by 84 months of supervised release. This sentence represented a downward departure from much higher sentencing guidelines.

Defendant unsuccessfully attempted to challenge his sentence both on direct appeal and through a 28 U.S.C. § 2255 motion. On January 12, 2018, Defendant began his term of supervised release. On February 23, 2023, after seven distinct violations of the conditions of his supervision, the Court revoked Defendant's current term and imposed a new term of 24 months.

Having undergone 11 months of his new term, Defendant now seeks to terminate the remainder of his supervised release. Within his Motion, Defendant makes several misrepresentations to this Court. Specifically, Defendant states that "Counsel has consulted with the United States Probation Office, via Probation Officer Albert Rojas, who states that the Probation Office does not oppose this motion." This is completely false. For one thing,

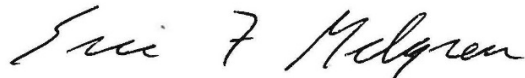
Defendants does not have counsel at that moment. For another, Defendant has not consulted with the United States Probation officer. And finally, the Probation Office strongly opposes Defendant's Motion, particularly because he has repeatedly demonstrated an unwillingness to comply with the terms of his supervised release. The United States likewise opposes Defendant's Motion.

Defendant's repeated violations and his misrepresentations to the Court are more than enough reason to deny his Motion. Even if that were not the case, 18 U.S.C. § 3583(e)(1) does not authorize the Court to grant Defendant's Motion because he has served less than a year on his current term of supervised release. Accordingly, the Court denies Defendant's Motion

IT IS THEREFORE ORDERED that Defendant's Motion (Doc. 95) is **DENIED**.

IT IS SO ORDERED.

Dated this 23rd day of January, 2024.

A handwritten signature in black ink, reading "Eric F. Melgren". The signature is written in a cursive, flowing style.

ERIC F. MELGREN
CHIEF UNITED STATES DISTRICT JUDGE