

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

United States of America,  
Plaintiff,

vs.

Case No. 14-10115-01-JTM

Juan Lopez Morales,  
Defendants.

MEMORANDUM AND ORDER

Defendant Juan Lopez Morales pled guilty to one count of illegal re-entry of a deported alien, in violation of 8 U.S.C. § 1326(a) and (b)(1), and was sentenced on October 20, 2015, to ten months imprisonment. The matter is now before the court on Morales' pleading entitled "Request for Information of Sentence and Assistance of Counsel." In the pleading, Morales asks for clemency, for assistance of counsel, and for "information of length of prision [sic] sentence, the date I began to cutoof [sic] date." (*Id.* at 1).

Outside of the limited relief permitted under Fed.R.Crim.P. 35 and 18 U.S.C. § 3582(c), the court is without jurisdiction to alter a sentence as a general matter of clemency. *See United States v. Sloan*, 2016 WL 1434740, \*1 (D. Kan. April 12, 2016). Further, the court finds that, given the straightforward nature of the issues involved, appointment of counsel

is not warranted pursuant to 18 U.S.C. § 3006A.

While Morales makes some reference to the potential consecutive nature of his sentence to that in “the case of Texas,” the record is devoid of any reference to a separate prosecution, other than his *previous* August 13, 2012 conviction for illegal reentry following deportation, Case No. 10-01352-001 (S.D. Tex.), which led to his deportation to Mexico on July 22, 2011. Morales later returned to the United States, was apprehended in 2014, and then pled guilty to the charges in this case pursuant to a plea agreement (Dkt. 35), and waived any presentence report. (Dkt. 38). The sentence imposed in this court’s judgment authorized ten months imprisonment for the offense charged in the Indictment in this case, and custody of the defendant began on December 9, 2015.

IT IS ACCORDINGLY ORDERED this 28th day of June, 2016, that the defendant’s Request for Information and Assistance (Dkt. 40) is hereby denied.

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