

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 14-40067-JWB

JUAN O. WHITAKER,

Defendant.

**MEMORANDUM AND ORDER**

This case comes before the court on Defendant's pro se motion to reduce his sentence. (Doc. 51.) Plaintiff is currently serving a 21-month sentence that was imposed by the court on February 14, 2019. (Doc. 50.) Plaintiff moves for the court to recalculate his sentence under the First Step Act, Public Law 115-391, 132 Stat. 5194 (2018), due to his participation in certain programs and good time credit.

The Act amended 18 U.S.C. § 3624 and now allows a prisoner to earn up to 54 days of good-time credit per year, subject to the prisoner's compliance with regulations at the institution. However, that provision is not effective until the Attorney General completes a "risk and needs assessment system" described in section 101 of the Act. *See Roy v. United States Bureau of Prisons*, 2019 WL 1441622 \*1 (E.D. Wash. April 1, 2019). With respect to credit for programs, 18 U.S.C. § 3632(d)(4) provides that a prisoner can earn good time credit for successfully completing evidence-based recidivism programs. However, to earn the credit, the program could not have been completed prior to the enactment of the subchapter or during a time period prior to the prisoner's sentence commencing. *Id.* This provision is also not effective until a risk and needs assessment system is completed. *Id.* at 3632(a).

