

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

United States of America,
Plaintiff,

vs. Case No. 16-cr-10005-JTM-01

Jose Alvarez-Galvan,
Defendant.

MEMORANDUM AND ORDER

Defendant Jose Alvarez-Galvan has moved (Dkt. 26) pursuant to Fed.R.Crim.Pr. 36 to correct supposed “clerical” errors in the Judgment of the court (Dkt. 24), reflecting the total credit for the amount of time served and for greater good time credit. Alvarez-Galvan argues that, as the result of the calculations of the Bureau of Prisons (BOP), he will be released on December 20, 2016, a month or more beyond what he deems correct. The government opposes the motion.

The court hereby denies the motion, as the Judgment contains no error as to the proper credits which the BOP should extend to the defendant. Rather, in keeping with standard judgments, the court’s Order of Judgment simply provides that the defendant should be imprisoned “for a total term of 12 months and one day.” (Dkt. 24, at 2). Nor, during the course of the May 16, 2016 sentencing hearing, did the court make any calculations as to the *amount* of good time credit which the BOP should extend to the

defendant, or the date on which his custody should be deemed to have actually begun. Accordingly, there exists no error for the court to correct under Rule 36.

The court further notes that updated information from the BOP indicates a release date of November 20 rather than December 20.

IT IS ACCORDINGLY ORDERED this 25th day of October, 2016, that the defendant's Motion to Correct (Dkt. 26) is hereby denied.

s/ J. Thomas Marten
J. THOMAS MARTEN, District Judge