

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

UNITED STATES OF AMERICA,

*Plaintiff,*

vs.

Case No. 17-10034-03-EFM

SHANE A. PITMAN,

*Defendant.*

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**ORDER**

This matter comes before the Court on Defendant Shane A. Pitman's Motion for Sentence Modification (Doc. 156). This motion is Defendant's second one, and he seeks early release from prison. The government opposes Defendant's motion.

In October 2020, Defendant requested early release from prison. The Court denied his motion because Defendant was in state custody.<sup>1</sup> Defendant again requests release pursuant to the First Step Act, stating that he is in federal custody. His mailing envelope, however, indicates that

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<sup>1</sup> Doc. 151.

he remains in state custody.<sup>2</sup> Thus, the Court is still unable to grant relief because Defendant is not a federal prisoner.<sup>3</sup>

**IT IS THEREFORE ORDERED** that Defendant's Motion for Sentence Modification (Doc. 156) is **DISMISSED**.

**IT IS SO ORDERED.**

Dated this 22nd day of April, 2021.



ERIC F. MELGREN  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup> The Court also notes that the Bureau of Prisons' website does not list Defendant as an inmate in any facility.

<sup>3</sup> *See Teague v. State of Colo.*, 2020 WL 3429153, at \*5 (D. Colo. 2020) (stating that because the defendant was in state custody, the court did not have the authority to order compassionate release).