

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA)	
)	
)	
)	
v.)	No. 2:10-CR-154-DBH
)	
KELVIN SMITH,)	
)	
DEFENDANT)	

**ORDER ON DEFENDANT’S MOTION FOR JUDICIAL
RECOMMENDATION TO BUREAU OF PRISONS**

The defendant is currently serving a 37-month term of imprisonment, to be followed thereafter by a 3-year period of supervised release. He has asked me, in a pro se motion, to recommend to the Bureau of Prisons that during his time in BOP custody he receive the maximum available period of pre-release time in a community correctional facility, namely, 12 months. See 18 U.S.C. § 3624(c).

Although I certainly understand Smith’s desire for the maximum period in a halfway house, I see no reason to distinguish him from other inmates whom the Bureau of Prisons must assign in accordance with the criteria Congress has given it. See 18 U.S.C. § 3621(b).

I therefore **DENY** the motion.

SO ORDERED.

DATED THIS 18TH DAY OF NOVEMBER, 2011

/s/D. BROCK HORNBY _____
D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE

**U.S. DISTRICT COURT
DISTRICT OF MAINE (PORTLAND)
CRIMINAL DOCKET No. 2:10CR154 (DBH)**

United States of America

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v.

**Kelvin Smith,

Defendant**

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