

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

UNITED STATES OF AMERICA,	)	
	)	
	)	
v.	)	
	)	Docket no. 02-CR-57-P-S
COLEMAN J. FENTON,	)	
	)	
	)	
Defendant.	)	
	)	

**ORDER ON MOTION FOR MODIFICATION OF RESTITUTION**

Before the Court is Defendant's Motion for Modification of Restitution (Docket # 117). Having reviewed all submissions in connection with the Motion, the Court hereby DENIES the Motion for Modification.

Having reviewed the Defendant's written submissions and given the Defendant's continuing incarceration, the Court does not find any material change in the Defendant's economic circumstances that affects the Defendant's ability to pay restitution. Thus, there is no basis for a modification pursuant to 18 U.S.C. § 3664(k). To the extent that Defendant's Motion can be read to argue that the Court's April 3, 2003 Judgment (or the June 21, 2004 Amended Judgment) improperly delegated the schedule of restitution payments to the Bureau of Prisons, the Court believes that this argument is without merit and untimely. Finally, to the extent that Defendant's Motion can be read to argue that the Bureau of Prisons is somehow not complying with the regulations that govern the Inmate Financial Responsibility Program, such a challenge must be brought as a habeas petition pursuant to 28 U.S.C. § 2241 in the district in which the defendant is incarcerated.

SO ORDERED.

/s/ George Z. Singal  
Chief U.S. District Judge

Dated this 18th day of September, 2008.

**Defendant (1)**

**COLEMAN J FENTON**  
*TERMINATED: 04/02/2003*  
*also known as*  
**JOSEPH C FENTON**

represented by **COLEMAN J FENTON**  
04196-036  
USP TERRE HAUTE  
U.S. PENITENTIARY  
P.O. BOX 33  
TERRE HAUTE, IN 47808  
PRO SE

**DAVID R. BENEMAN**  
FEDERAL DEFENDER'S  
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Email: David.Beneman@fd.org  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**EILEEN F. SHAPIRO**  
LAW OFFICE OF EILEEN F.  
SHAPIRO, ESQ.  
45 WASHINGTON STREET,  
NO. 160  
BROOKLYN, NY 11201  
*TERMINATED: 06/15/2004*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: CJA Appointment*

**Pending Counts**

NARCOTICS - SELL,  
DISTRIBUTE, OR DISPENSE:  
Conspiracy to Distribute and  
Possess with Intent to Distribute  
Cocaine in violation of  
21:841(b)(1)(c) and 846  
(1)

**Disposition**

210 months imprisonment  
concurrent with counts 2, 5-6, 8,  
10, 14-28, 30, 31 and 32 and  
consecutive with count 33; 6 years  
Supervised Release concurrent  
with all other counts. Special  
Assessment: 100.00 (2500.00  
total); Restitution: 7,266.45 total  
on all counts; dft remanded

NARCOTICS - SELL,  
DISTRIBUTE, OR DISPENSE:  
Distribution of Cocaine in  
violation of 21:841(a)(1),  
841(b)(1)(C) and 18:2  
(2)

210 months imprisonment  
concurrent with counts 1, 5-6, 8,  
10, 14-28, 30, 31 and 32 and  
consecutive with count 33; 6 years  
Supervised Release concurrent  
with all other counts. Special  
Assessment: 100.00 (2500.00  
total); Restitution: 7,266.45 total  
on all counts; dft remanded

NARCOTICS - SELL,  
DISTRIBUTE, OR DISPENSE:  
Distribution of Cocaine in  
violation of 21:841(a)(1),  
841(b)(1)(C) and 18:2  
(3-4)

Conviction vacated pursuant to  
Order of USCA dated May 4,  
2004

NARCOTICS - SELL,  
DISTRIBUTE, OR DISPENSE:  
Distribution of Cocaine in  
violation of 21:841(a)(1),  
841(b)(1)(C) and 18:2  
(5-6)

210 months imprisonment  
concurrent with counts 1, 2, 8, 10,  
14-28, 30, 31 and 32 and  
consecutive with count 33; 6 years  
Supervised Release concurrent  
with all other counts. Special  
Assessment: 100.00 (2500.00  
total); Restitution: 7,266.45 total  
on all counts; dft remanded

NARCOTICS - SELL,  
DISTRIBUTE, OR DISPENSE:  
Distribution of Cocaine in  
violation of 21:841(a)(1),  
841(b)(1)(C) and 18:2  
(7)

Conviction vacated pursuant to  
Order of USCA dated May 4,  
2004

NARCOTICS - SELL,  
DISTRIBUTE, OR DISPENSE:  
Distribution of Cocaine in  
violation of 21:841(a)(1),  
841(b)(1)(C) and 18:2  
(8)

210 months imprisonment  
concurrent with counts 1, 2, 5-6,  
10, 14-28, 30, 31 and 32 and  
consecutive with count 33; 6 years  
Supervised Release concurrent  
with all other counts. Special  
Assessment: 100.00 (2500.00  
total); Restitution: 7,266.45 total  
on all counts; dft remanded

NARCOTICS - SELL,  
DISTRIBUTE, OR DISPENSE:  
Distribution of Cocaine in  
violation of 21:841(a)(1),  
841(b)(1)(C) and 18:2

Conviction vacated pursuant to  
Order of USCA dated May 4,  
2004

(9)

NARCOTICS - SELL,  
DISTRIBUTE, OR DISPENSE:  
Distribution of Cocaine in  
violation of 21:841(a)(1),  
841(b)(1)(C) and 18:2  
(10)

210 months imprisonment  
concurrent with counts 1, 2, 5-6, 8,  
14-28, 30, 31 and 32 and  
consecutive with count 33; 6 years  
Supervised Release concurrent  
with all other counts. Special  
Assessment: 100.00 (2500.00  
total); Restitution: 7,266.45 total  
on all counts; dft remanded

NARCOTICS - SELL,  
DISTRIBUTE, OR DISPENSE:  
Distribution of Cocaine in  
violation of 21:841(a)(1),  
841(b)(1)(C) and 18:2  
(12-13)

Conviction vacated pursuant to  
Order of USCA dated May 4,  
2004

NARCOTICS - SELL,  
DISTRIBUTE, OR DISPENSE:  
Distribution of Cocaine in  
violation of 21:841(a)(1),  
841(b)(1)(C) and 18:2  
(14-21)

210 months imprisonment  
concurrent with counts 1, 2, 5-6, 8,  
10, 15-28, 30, 31 and 32 and  
consecutive with count 33; 6 years  
Supervised Release concurrent  
with all other counts. Special  
Assessment: 100.00 (2500.00  
total); Restitution: 7,266.45 total  
on all counts; dft remanded

NARCOTICS - SELL,  
DISTRIBUTE, OR  
DISPENSE: Possession with Intent  
to Distribute Cocaine in violation  
of 21:841(a)(1), 841(b)(1)(C) and  
18:2  
(22)

210 months imprisonment  
concurrent with counts 1, 2, 5-6, 8,  
10, 14-21, 23-28 30, 31 and 32 and  
consecutive with count 33; 6 years  
Supervised Release concurrent  
with all other counts. Special  
Assessment: 100.00 (2500.00  
total); Restitution: 7,266.45 total  
on all counts; dft remanded

NARCOTICS - SELL,  
DISTRIBUTE, OR DISPENSE:  
Distribution of Cocaine Near an  
Elementary School in violation of  
21:841(a)(1) and 860  
(23-28)

210 months imprisonment  
concurrent with counts 1, 2, 5-6, 8,  
10, 14-22, 30, 31 and 32 and  
consecutive with count 33; 6 years  
Supervised Release concurrent  
with all other counts. Special  
Assessment: 100.00 (2500.00  
total); Restitution: 7,266.45 total  
210 months imprisonment  
concurrent with counts 1, 2, 5-6, 8,

EMPLOY PERSONS UNDER 18:  
Employment of Minor in Drug  
Operations in violation of  
21:841(a)(1) and 861(a)(1)  
(30)

EXPLOSIVES USED IN  
COMMISSION OF FELONY:  
Malicious Damage to Vehicle by  
Explosive Materials in violation of  
18:844(i) and 18:2  
(31)

REGISTRATION OF  
FIREARMS: Possession of an  
Unregistered Destructive Device  
in violation of 26:5841, 5861(d)  
and 5871 and 18:2  
(32)

VIOLENT  
CRIME/DRUGS/MACHINE  
GUN: Possession of a Destructive  
Device in Connection with a Drug  
Trafficking Offense in violation of  
18:924(c) and 18:2  
(33)

CRIMINAL FORFEITURE

10, 14-22, 30, 31 and 32 and  
consecutive with count 33; 6 years  
Supervised Release concurrent  
with all other counts. Special  
Assessment: 100.00 (2500.00  
total); Restitution: 7,266.45 total  
on all counts; dft remanded on all  
counts; dft remanded

210 months imprisonment  
concurrent with counts 1, 2, 5-6, 8,  
10, 14-28, 31 and 32 and  
consecutive with count 33; 6 years  
Supervised Release concurrent  
with all other counts. Special  
Assessment: 100.00 (2500.00  
total); Restitution: 7,266.45 total  
on all counts; dft remanded

210 months imprisonment  
concurrent with counts 1, 2, 5-6, 8,  
10, 14-28, 30 and 32 and  
consecutive with count 33; 3 years  
Supervised Release concurrent  
with all other counts. Special  
Assessment: 100.00 (2500.00  
total); Restitution: 7,266.45 total  
on all counts; dft remanded

120 months imprisonment  
concurrent with counts 1, 2, 5-6, 8,  
10, 14-28, 30 and 31 and  
consecutive with count 33; 3 years  
Supervised Release concurrent  
with all other counts. Special  
Assessment: 100.00 (2500.00  
total); Restitution: 7,266.45 total  
on all counts; dft remanded

360 months imprisonment  
consecutive with all other counts;  
5 years Supervised Release  
concurrent with all other counts.  
Special Assessment: 100.00  
(2500.00 total); Restitution:  
7,266.45 total on all counts; dft  
remanded

See Final Order of Forfeiture

(34)

signed by Hon. George Z. Singal,  
Chief Judge

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

NARCOTICS - SELL,  
DISTRIBUTE, OR DISPENSE:

Distribution of Cocaine in  
violation of 21:841(a)(1),  
841(b)(1)(C) and 18:2  
(11)

NARCOTICS - SELL,  
DISTRIBUTE, OR DISPENSE:  
Distribution of Cocaine Near an  
Elementary School in violation of  
21:841(a)(1) and 860  
(29)

**Disposition**

Defendant Found Not Guilty

Dismissed by the Court on oral  
motion

**Highest Offense Level  
(Terminated)**

Felony

**Complaints**

None

**Disposition**

**Interested Party**

**MAUREEN FENTON**  
*TERMINATED: 04/04/2003*

represented by **JOSEPH H. GROFF, III**  
JENSEN, BAIRD, GARDNER &  
HENRY  
TEN FREE STREET  
P.O. BOX 4510  
PORTLAND, ME 04112  
775-7271  
Email: [jgroff@jbgh.com](mailto:jgroff@jbgh.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Interested Party**

**MARK FENTON**  
*TERMINATED: 04/04/2003*

represented by **JOSEPH H. GROFF, III**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

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**Interested Party**

**IRENE K FENTON**  
*TERMINATED: 04/04/2003*

represented by **JOSEPH H. GROFF, III**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

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**Interested Party**

**OPTION ONE MORTGAGE CORPORATION**  
*TERMINATED: 04/04/2003*

represented by **DAVID A DUNLAVEY PHILLIPS, OLORE, DUNLAVEY & YORK, P.A.**  
P. O. BOX 1087  
PRESQUE ISLE, ME 04769  
769-2361  
Email: podlegal@mfx.net  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

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**Interested Party**

**SOUTH PORTLAND, CITY OF**  
*TERMINATED: 04/04/2003*

represented by **MARY KAHL**  
CITY OF SOUTH PORTLAND  
25 COTTAGE ROAD  
P.O. BOX 9422  
SOUTH PORTLAND, ME 04106  
207/767-3201  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

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**Material Witness**

**BRYANT FEYLER**  
*TERMINATED: 12/11/2002*

represented by **BRUCE M. MERRILL**  
225 COMMERCIAL STREET  
SUITE 501

PORTLAND, ME 04101  
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Email: mainelaw@maine.rr.com  
*TERMINATED: 12/11/2002*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: CJA Appointment*

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**Plaintiff**

USA

represented by **DONALD E. CLARK**  
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*ATTORNEY TO BE NOTICED*

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