

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v. : Criminal Nos. DKC 14-0361 and
DKC 07-0001

REBECCA LYNN BIGLOW

MEMORANDUM OPINION AND ORDER

Before the court is a motion to amend for home confinement for balance of sentence filed by defendant Rebecca Lynn Biglow, a federal prisoner. ECF No. 68. The motion requests the court to credit Defendant's term of pre-trial home detention against her sentence or, alternatively, to recommend to the Bureau of Prisons that she serve an additional 12 months of her sentence on home detention.

By a judgment entered March 2, 2015, Defendant was convicted, upon her guilty plea, of wire fraud and aggravated identity theft. The court sentenced Ms. Biglow to 42 months imprisonment consisting of 18 months on count two and a consecutive mandatory term of 24 months on count three. The sentence was not appealed.

As Ms. Biglow recognizes, this court's ability to alter a sentence once it is imposed is extremely limited. Nothing in either Rule 35 or 18 U.S.C. §3582(c)(2) applies to Ms. Biglow.

Nor does she appear to be challenging the method by which her sentence is being executed. She recognizes that the Bureau of Prisons has discretion to determine how much time a person serves in a halfway house or home detention at the end of her sentence. She states that an administrator told her that a judicial recommendation might play a role in the BOP determination. The undersigned concludes that it is more appropriate to take no position on the matter, but to leave it to the BOP.

In sum, while this court is sympathetic to Ms. Biglow's situation, it is without authority to grant the specific relief requested by Defendant for a sentence reduction and leaves it to the BOP to determine how much time she spends in a halfway house or on home detention as part of her sentence. Accordingly, it is this 4th day of August, 2016, by the United States District Court for the District of Maryland, ORDERED that:

1. Defendant's motion to amend for home confinement for balance of sentence BE, and the same hereby IS, DENIED; and
2. The clerk is directed to transmit this Memorandum Opinion and Order to counsel for the government and directly to Defendant.

/s/
DEBORAH K. CHASANOW
United States District Judge