



**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

UNITED STATES OF AMERICA

V.

MARCEL MONTGOMERY

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CASE NO. 9:94-CR-31(1)

**MEMORANDUM ORDER ADOPTING
FINDINGS OF FACT AND RECOMMENDATION ON PLEA OF TRUE**

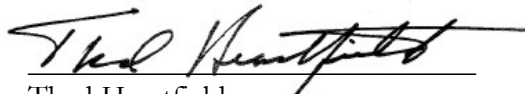
The Court referred this matter to United States Magistrate Judge Keith F. Giblin, at Beaumont, Texas, for consideration pursuant to 28 U.S.C. § 636(b) and the Local Rules for the United States District Court for the Eastern District of Texas. In accordance with 18 U.S.C. § 3401(I) and 18 U.S.C. § 3583(e), Judge Giblin held a hearing and submitted findings of fact and a recommendation on the revocation of Defendant's supervised release.

Having conducted the proceedings in the form and manner prescribed by Federal Rule of Criminal Procedure 11 and 18 U.S.C. § 3583, the magistrate judge issued his *Findings of Fact and Recommendation on Plea of True* [Clerk's doc. #85]. The magistrate judge recommended that the Court revoke Defendant's supervised release and impose a term of imprisonment for the revocation, with a new term of supervision to follow.

The parties have not objected to Judge Giblin's report. Accordingly, after review, the Court concludes that the *Findings of Fact and Recommendation* should be accepted.

It is **ORDERED** that the *Findings of Fact and Recommendation on Plea of True* [Clerk's doc. #85] of the United States Magistrate Judge are **ADOPTED**. The Court finds that Defendant, Marcel Montgomery, violated conditions of his supervised release. The Court, therefore, **REVOKES** his term of supervision. Pursuant to the magistrate judge's recommendation, the Court **ORDERS** Defendant to serve a term of twelve (12) months imprisonment for the revocation, with a new ninety (90) day term of supervised release to follow. The Court further would recommend that Mr. Montgomery be placed in a Federal Medical Center in either Butner, North Carolina, or Springfield, Missouri, to serve his term of imprisonment. The conditions of the new supervision term will be set forth in a separate revocation judgment.

SIGNED this the 28 day of **March, 2008**.


Thad Heartfield
United States District Judge