

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) Cause No. 1:15-cr-0020-TWP-TAB-1
)
 JAMES ALLEN BISHOP,)
)
 Defendant.)

REPORT AND RECOMMENDATION

On September 29, 2015, the Court held a revocation hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on July 22, 2015. Defendant Bishop appeared in person with his appointed counsel, Gwendolyn Beitz. The government appeared by Jeffrey Preston, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Ryan Sharp.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. On September 14, 2015, the Court advised Defendant Bishop of his rights and provided him with a copy of the petition. Defendant Bishop waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Bishop admitted violation 1. [Docket No. 12.]
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number** **Nature of Noncompliance**

1 **“The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.”**

On May 11 and 26, 2015, Mr. Bishop tested positive for methamphetamine and marijuana. On June 4, 2015, he tested positive for marijuana and morphine. On June 15, 2015, he submitted a urine sample that was diluted. On July 7, 2015, he tested positive for cocaine, opiates/morphine, and marijuana. On July 15, 2015, he admitted to using marijuana, cocaine, methamphetamine, and heroin.

4. The Government orally moved to dismiss violations 2 through 5 and the Court granted the same.

5. The parties stipulated that:

- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant’s criminal history category is VI.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 21 to 27 months’ imprisonment.

5. The parties jointly recommended a term of 14 months to be served at the Federal Bureau of Prisons, followed by 2 years of supervised release. Defendant requested placement at FCI Terre Haute with no objection by the Government.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of 14 months, followed by 2 years of supervised released. The Court will make a request to the Federal Bureau of Prisons for the Defendant’s

placement in a substance abuse treatment program. The Defendant is to be taken into immediate custody. The Court will recommend placement at FCI Terre Haute.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Dated: 09/30/2015



Tim A. Baker
United States Magistrate Judge
Southern District of Indiana

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