

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

Case No. 20-cr-0197-bhl

v.

TARONE LA DALE WOODS,

Defendant.

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**ORDER DENYING MOTION TO MODIFY SENTENCE**

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On November 12, 2020, Defendant Tarone La Dale Woods entered a guilty plea to one count of an information charging him with conspiracy to defraud the United States. On July 15, 2021 Woods was sentenced to 6 months imprisonment. On August 26, 2021, Woods filed a *pro se* motion seeking to modify his sentence to 6 months of home confinement. (ECF No. 43.) Woods expressed concern that his underlying medical conditions – asthma, sleep apnea, and anxiety – increase his risk for several illness from COVID-19, should he contract the coronavirus in the prison facility. Woods is scheduled to report to a minimum-security federal detention facility no later than September 4, 2021.

This request must be denied because, other than in very limited circumstances, the Court lacks authority to reduce a sentence after it is imposed. Rule 35 of the Federal Rules of Criminal Procedures allows a court to “correct a sentence that resulted from arithmetical, technical, or other clear error” within fourteen days of the date it imposed the sentence. Those circumstances are not present, and that deadline has passed.

Under 18 U.S.C. §3582(c)(2), a court can modify a term of imprisonment but only if (a) the director of the Bureau of Prisons asks it to for “extraordinary and compelling reasons” or compassionate reasons based on age, (b) a statute or Fed. R. Crim. P. 35 authorizes the reduction, or (c) the Sentencing Commission has lowered the sentencing range for the defendant’s offense. None of those conditions is present here. The director of the BOP has not filed a motion asking the Court to reduce the defendant’s sentence. No statute authorizes the reduction, and as the

Court has noted, the Rule 35 deadline has passed. The Sentencing Commission has not changed the revocation guidelines applicable to the defendant.

Woods' motion does not cite circumstances that would allow the Court to modify his sentence. His motion (ECF No. 43) must, therefore, be DENIED.

SO ORDERED at Milwaukee, Wisconsin this 30th day of August, 2021.

*s/ Brett H. Ludwig*

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BRETT H. LUDWIG

United States District Judge