

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

UNITED STATES OF AMERICA	:	
	:	
v.	:	CRIMINAL NO. 3:02 CR 191 (CFD)
	:	
RICARDO ROBLES	:	

ORDER

After considering Defendant’s request of the Court to “credit” his undischarged federal sentence in this case for (1) his time spent in custody from the date he was ordered detained by U. S. Magistrate Judge Thomas P. Smith (March 13, 2003) to the date he was sentenced in this matter (May 20, 2004); and (2) the period from the date of his federal sentencing (May 20, 2004) to the date that the U. S. Bureau of Prisons has determined to be the date of commencement of his federal sentence for this matter (November 20, 2004), the Court orders the following:

That, pursuant to 18 U.S.C. § 3621(b), the Bureau of Prisons shall consider Defendant’s request that the State of Connecticut Correction facility be designated *nunc pro tunc* as the “place of imprisonment” for the sentence in this matter for the period from May 20, 2004 to November 20, 2004, upon a properly filed request for such administrative review by Defendant Robles. The Court makes this order because it was this Court’s intention (as well as the apparent intention of the Connecticut Superior Court which sentenced Robles for a State offense on May 21, 2004), that both the federal and state sentences be served concurrently. See McCarthy v. Doe, 146 F.3d 118 (2d Cir. 1998) and Barden v. Keohane, 921 F.2d 476 (3d Cir. 1990). More specifically, it was the intention of this Court that

Robles be “credited” for any time served in state custody after May 20, 2004 on the federal sentence this Court imposed on that date.

This Court recognizes that it is the Bureau of Prisons which has the sole authority to credit Robles for time served in detention prior to the federal sentencing date. See United States v. Wilson, 503 U.S. 329 (1992).

The Court, in considering Robles’ request and issuing this Order, is not treating this matter as one filed under 28 U.S.C. § 2255 or § 2241.

SO ORDERED, this 26th day of October, 2005, at Hartford, Connecticut.

/s/ CFD

CHRISTOPHER F. DRONEY
UNITED STATES DISTRICT JUDGE