

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 98 CR 434-3
)	
JAMES OREYE,)	
)	
Defendant.)	

MEMORANDUM ORDER

James Oreye a/k/a Emmanuel Richson ("Oreye") has just filed a self-prepared "Motion For Sentence Adjustment," complaining that as an alien facing removal from the United States on completion of his custodial sentence he receives less favorable treatment than would be given to a United States citizen who had committed the identical criminal offenses. That is certainly true, but it does not entitle Oreye to the relief that he seeks.

First of all, quite apart from the caselaw that has uniformly rejected efforts by noncitizens who, at the time when they are about to be sentenced, try to obtain more favorable sentences based on the same factors that Oreye has identified, once sentence has been imposed (as was done to Oreye several years ago) a district court is without jurisdiction to modify the sentence itself (see Fed. R. Crim. P. 35, which contains the only provisions for the correction or reduction of a sentence once pronounced). And as for Oreye's citation to "A.R.S. §41-1604.14," that is a reference to an Arizona state statute dealing

with persons convicted under Arizona state law--a provision that obviously has no force at all as to a federally convicted prisoner such as Oreye.

Accordingly this Court is without jurisdiction to entertain Oreye's motion. It is denied.



Milton I. Shadur
Senior United States District Judge

Date: May 30, 2008