

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
SOUTHERN DIVISION  
LONDON

UNITED STATES OF AMERICA, )  
Plaintiff )  
V. )  
ANDY RAY LEWIS, )  
Defendant )

Criminal No. 13-31-GFVT

**ORDER**

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Before the Court is Magistrate Judge Hanly A. Ingram’s Recommended Disposition. [R. 1057.] Lewis is charged with seven violations of his supervised release conditions, including the unlawful use of at least four controlled substances and the commission of at least three federal or state crimes. [Id. at 2-4.] At his final revocation hearing, Lewis “competently entered a knowing, voluntary, and intelligent stipulation” to all seven violations. [Id. at 5.]

In his recommendation, Judge Ingram fully considered the § 3553 factors incorporated into the § 3583(e) analysis. He noted that Lewis “was involved in a conspiracy to distribute oxycodone, which is a very serious matter.” [Id. at 8.] He also found that Lewis’s “drug use while on supervised release is unusually aggravating because he used four different drugs, and one was taken on at least two occasions.” [Id.] Judge Ingram felt that “[t]his type of use is very unusual and implies a serious underlying problem.” [Id.] And the Magistrate was “also troubled by defendant’s initial denials that he had used drugs.” [Id.] He did recognize, however, that Lewis had eventually admitted to his addiction, and that he had quickly attained a job during his release. [Id. at 8-9.] Ultimately, Judge Ingram recommended revocation of Lewis’s release and a term of imprisonment of nine months. [Id. at 9.]

Generally, this Court must make a *de novo* determination of those portions of the Recommended Disposition to which objections are made. 28 U.S.C. § 636(b)(1)(c). But when no objections are made, as in this case, this Court is not required to “review . . . a magistrate’s factual or legal conclusions, under a *de novo* or any other standard.” *See Thomas v. Arn*, 474 U.S. 140, 151 (1985). Parties who fail to object to a magistrate judge’s report and recommendation are also barred from appealing a district court’s order adopting that report and recommendation. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Nevertheless, this Court has carefully examined the record and agrees with Judge Ingram’s Recommended Disposition.

Accordingly, the Court **HEREBY ORDERS** as follows:

1. The Recommended Disposition [**R. 290**] as to Defendant Andy Ray Lewis is **ADOPTED** as and for the Opinion of the Court;
2. Lewis is found to have violated the terms of his Supervised Release as set forth in the Report filed by the U.S. Probation Officer and the Recommended Disposition of the Magistrate Judge;
3. Lewis’s Supervised Release is **REVOKED**;
4. Lewis is **SENTENCED** to the Custody of the Bureau of Prisons for a term of nine (9) months at the facility closest to Defendant’s home, with a term of supervised release of thirty-six (36) months, under the conditions previously imposed at Docket Entry 223, with evaluation by the USPO for drug treatment upon his release; and
5. Judgment shall be entered promptly.

This 8th day of August, 2016.

The image shows a handwritten signature in black ink, which appears to read "Gregory F. Van Tatenhove". The signature is written over a circular official seal. The seal contains the text "UNITED STATES DISTRICT COURT" at the top and "EASTERN DISTRICT OF KENTUCKY" at the bottom. In the center of the seal is an eagle with its wings spread, perched on a shield.

Gregory F. Van Tatenhove  
United States District Judge