

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:06CR125
)	
Plaintiff,)	
)	
vs.)	TENTATIVE FINDINGS
)	
CURTIS RICHARDSON,)	
)	
Defendant.)	

The Court has received the Presentence Investigation Report (“PSR”) and the Defendant’s objections thereto (Filing No. 45). See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

The Defendant objects to several factual statements in the PSR and to the inclusion of the information in three matters appearing under the heading “Other Arrests.” The objections are denied because none of these matters affect the Defendant’s sentencing guideline range.¹

IT IS ORDERED:

1. The Defendant’s Objections to the Presentence Investigation Report (Filing No. 45) are denied;
2. Otherwise the Court’s tentative findings are that the Presentence Investigation Report is correct in all respects;

¹From the record, it appears that the objections were not initially submitted to the probation as required by ¶ 4 of the Amended Order on Sentencing Schedule (Filing No. 44).

3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4. Absent submission of the information required by paragraph 3 of this Order, my tentative findings may become final; and

5. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 5th day of March, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge