

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. CR-05-043-WH</b>
	)	
<b>JIMMY C. CHISUM,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER**

Before the Court is the motion of the defendant for judicial recommendation on placement. Defendant was sentenced on July 6, 2006 and the Judgment and Commitment (#116) was entered on July 12, 2006. That document contains the recommendation that the defendant be placed in a Bureau of Prisons facility as close to family as possible to facilitate family contact.

In the present motion, defendant represents that he is presently at FCI La Tuna in Texas, but that a facility in Tucson, Arizona would be closer for his family to visit. Defendant correctly recognizes that at most this Court could issue a recommendation, as it did in the original Judgment. Even for that limited purpose, however, the present motion is a bridge too far. This Court lacks jurisdiction to consider the request because 18 U.S.C. §3621(b) gives the Bureau of Prisons the exclusive authority to determine the place of imprisonment. Indeed, the place of confinement is not part of the sentence imposed by the district court, but is a matter which the Bureau determines. *United States v. Canas-Briseno*, 2004 WL 2823336 (10<sup>th</sup> Cir.).


The Court will write a letter to the Bureau of Prisons recommending that defendant's request be granted, but that is all which can be done.

It is the Order of the Court that the motion of the defendant for judicial recommendation (#148) is hereby DENIED for lack of jurisdiction.

**ORDERED THIS 6<sup>th</sup> DAY OF SEPTEMBER, 2006.**

**Dated this 6<sup>th</sup> Day of September 2007.**

J4h4i0



Ronald A. White  
United States District Judge  
Eastern District of Oklahoma