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DISTRICT COURT

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DISTRICT OF ARIZONA
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1 EFRAIN WISSAR-NEVAREZ
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P.O. BOX 3001-0001
3 CALIFORNIA CITY, CA
93504

4 IN PRO-PER.

5 UNITED STATES DISTRICT COURT
6 FOR THE DISTRICT OF ARIZONA
7 TUCSON DIVISION

8 UNITED STATES OF AMERICA

9 VS

10 EFRAIN WISSAR-NEVAREZ
11
12

CASE NO. CR 05-00448-001-TUC-JMR(JM)
CR 05-50045-001-TUC-JMR(JM)

MOTION REQUESTING CORRECTION OF
ERROR IN JUDGEMENT AND COMMITMENT
ORDER

13 COMES NOW, the defendant acting pro sé, and in indigency status:

14 a) On 6/22/05 the defendant plead guilty to violating tile 8,
15 UNITED STATES CODE SECTION 1326(a), illegal Re-Entry after
16 deportation, with sentencing enhancement pursuant to Title 8,
17 UNITED STATES CODE SECTION 1326(b)(2) in case No:
18 CR 05-00448-001-TUC-JMR(JM)

19 b) Also on 6/22/05 the defendant admitted allegation(s) as
20 reflected in a petition to revoke the term of supervised
21 release in case No: CR 05-50045-001-TUC-JMR(JM)

22 c) The defendant recalls being sentenced on 9/22/05 to a grand
23 total of Fifty-one (51) months as follows:

- 24 1. Case No.05-00448-001-TUC-JMR(JM) imprisonment term of
25 Forty-six (46) months
26 2. Case No.05-50045-001-TUC-JMR(JM) imprisonment term of
27 Five(5) months
28

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DISTRICT OF ARIZONA	
BY	S DEPUTY

1 d) On 1/20/06 the defendant was given copies of both Judgement
2 and Commitment Order by the Bureau of Prisons (Exhibits A &
3 B) and it appears that an additional Eight (8) months has
4 been added to the defendants total term of imprisonment.

5
6 RELIEF REQUESTED

7 The defendant respectfully requests that this Honorable Court
8 examine its records and make the appropriate correction to
9 this sentence at its earliest possible convience.

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13 DATE: 2-01-2006

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17 Respectively Submitted,

18 Ephraim W. Davis
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CERTIFICATE OF SERVICE / OR MAILING

CASE NAME: UNITED STATES OF AMERICA VS. EFRAIN WISSAR-NEVAREZ

CASE NUMBER: CR 05-00448-001-TUC-JMR(JM) and CR 05-50045-001-TUC-JMR(JM)

I, the undersigned, hereby affirmed that on this _____ day of FEBRUARY 2006, I deposited in the recepticle for the United States mail provided at this Institution for inmates, first class pre-paid postage, in a sealed envelope and addressed to:

Attn: Clerk of Court
Evo A. Decocini
U.S. Courthouse
Suite 1500
405 W. Congress
Tucson, AZ
85701-5010

Attn: Paul Charlton
405 W. Congress
Suite 4800
Tucson, AZ
85701-5040

a true and correct copy of the attached document(s) identified as follows:

**MOTION REQUESTING CORRECTION OF ERROR IN JUDGEMENT AND
COMMITMENT ORDER**

In accordance with Houston V. Lack 487 U.S. 266 (1988) these documents are deemed filed and served as of this date. Pursuant to 28 U.S.C. §1746(2). I further declare under the penalty of perjury that the foregoing is correct and true.

DATED: 2-01-2006

Efrain Wissar Nevarez
AFFIANT

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

United States of America

v.

EFRAIN WISSAR-NEVAREZ

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed on or After November 1, 1987)

No. CR 05-00448-001-TUC-JMR(JM)

Enrique R. Gonzales (Appointed)
Attorney for Defendant

USM#: 12184-208 ICE#: A036169511

THE DEFENDANT ENTERED A PLEA OF guilty on 6/22/06 to the Indictment.

ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSE(S): violating Title 8, UNITED STATES CODE §1326(a), Illegal Re-Entry after Deportation, with sentencing enhancement pursuant to Title 8, UNITED STATES CODE §1326(b)(2), a Class C Felony offense, as charged in the Indictment.

IT IS THE JUDGMENT OF THIS COURT THAT the defendant is hereby committed to the custody of the Bureau of Prisons for a term of **FIFTY ONE (51) MONTHS** on the Indictment with credit for time served. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of **THIRTY SIX (36) MONTHS** on the Indictment.

CRIMINAL MONETARY PENALTIES

The defendant shall pay to the Clerk the following total criminal monetary penalties:

SPECIAL ASSESSMENT: \$100.00 FINE: \$0 RESTITUTION: \$0

The Court finds the defendant does not have the ability to pay a fine and orders the fine waived.

If incarcerated, payment of criminal monetary penalties are due during imprisonment at a rate of not less than \$25 per quarter and payment shall be made through the Bureau of Prisons' Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk of U.S. District Court, Attention: Finance, Suite 130, 401 West Washington Street, SPC 1, Phoenix, Arizona 85003-2118. Payments should be credited to the various monetary penalties imposed by the Court in the priority established under 18 U.S.C. § 3612(c). The total special assessment of \$100.00 shall be paid pursuant to Title 18, United States Code, Section 3013 for the Indictment.

Any unpaid balance shall become a condition of supervision and shall be paid within 90 days prior to the expiration of supervision. Until all restitutions, fines, special assessments and costs are fully paid, the defendant shall immediately notify the Clerk, U.S. District Court, of any change in name and address. The Court hereby waives the imposition of interest and penalties on any unpaid balances.

SUPERVISED RELEASE

Upon release from imprisonment, the defendant is placed on supervised release for a term of

EXHIBIT B

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

UNITED STATES OF AMERICA
v.
ERRAIN WISSAR-NEVAREZ

No. CR 05-50045-001-TUC-JMR(JM)

USM#: 64504-080

JUDGMENT AND COMMITMENT
REVOCATION OF SUPERVISED RELEASE

Enrique R. Gonzales, (Appointed)
Attorney for Defendant

On 5/6/06, this Court accepted transfer of jurisdiction from the Western District of Texas (P-01-CR-059).

The defendant was sentenced to a term of **FORTY SIX (46) MONTHS** imprisonment and upon release, **TWO (2) YEARS** of supervised release to follow in the Western District of Texas, for violating, Title 8, UNITED STATES CODE § 828(a), Illegal Re-entry after Deportation, a Felony offense, as charged in the Indictment.

On 5/6/05 the United States Attorney filed a petition to revoke the term of supervised release.

On 6/22/05 the defendant appeared with counsel and admitted allegation(s) as reflected in the petition to revoke filed in this matter and as amended on 9/22/05. The matter now comes on for disposition.

IT IS ORDERED that the term of supervised release imposed on 6/29/01 is hereby **REVOKED** and the defendant is committed to the custody of the Bureau of Prisons for a term of **EIGHT (8) MONTHS**, with no term of supervised release to follow. Disposition imposed shall run consecutive to the sentence imposed in **CR-05-00448-TUC-JMR**.

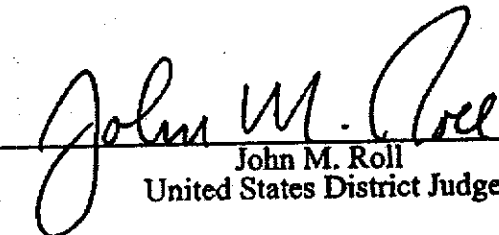
IT IS FURTHER ORDERED that the defendant is given credit for time served.

The Court orders commitment to the custody of the Bureau of Prisons and recommends and that the defendant be placed in an institution in Arizona.

The defendant previously waived the right to appeal.

September 22, 2005
Date of Imposition of Sentence

DATED this 4th day of October, 2005.


John M. Roll
United States District Judge

CC: USA/CNSL(Enrique R. Gonzales)/PROB/PTS/JUDGE/USM(2 certified)/ICE(1 certified)/Order Book

CR 05-50045-001-TUC-JMR(JM) - WISSAR-NEVAREZ

Defendant delivered on 12-19-05 to Calif. City Core CTR
at Calif. City, CA for warden Charles Gilkey
by P. Mersil, Records Clerk