

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

SCOTT ALLEN SLAUTER,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

No. C16-4087-LTS
(No. CR12-4017-LTS)

**AMENDED ORDER ON JOINT
PETITION FOR RELIEF UNDER
28 U.S.C. § 2255**

I previously ruled on the parties' stipulated petition (Doc. No. 1) by petitioner Scott Allen Slauter and respondent the United States of America (the Government) for relief pursuant to 28 U.S.C. § 2255 on July 1, 2016. *See* Doc. No. 3. That order granted the motion (Doc. No. 1) and reflected a new sentence, as agreed upon by the parties, of 120 months on Count 1 and 24 months on Count 2, to be served consecutively (for a total sentence of 144 months). It has now come to my attention that in light of the Eighth Circuit's ruling in *United States v. Pierce*, 388 F.3d 1136 (8th Cir. 2004), the new sentence was stated incorrectly. The sentence should instead be imposed as 120 months on Count 1 and 120 months on Count 2, with 24 months of the sentence on Count 2 to be served consecutively, again for a total sentence of 144 months. *See* U.S.S.G. § 5G1.2, comment. (n.1) (to the extent possible, "the total punishment is to be imposed on each count").

IV. CONCLUSION

For the reasons set forth herein:

1. Slauter is hereby re-sentenced to be committed to the custody of the United States Bureau of Prisons for a term of **120 months** on Count 1 and **120 months** on Count 2, with **24 months** of the sentence on Count 2 to be served consecutively (for a total sentence of **144 months**), to be followed by a **three-year** term of supervised release. All conditions of supervised release imposed in the original judgment will continue to apply.

2. The clerk's office is directed to send and fax or email a copy of this order to the Bureau of Prisons at the facility at which Slauter is currently incarcerated.

3. The clerk's office is also directed to send a copy of this order to Slauter and to United States Probation. United States Probation is directed to prepare an amended judgment for my signature.

IT IS SO ORDERED.

DATED this 7th day of July, 2016.



LEONARD T. STRAND
UNITED STATES DISTRICT JUDGE