

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

UNITED STATES OF AMERICA,	)	Case No. 1:21-cr-69
	)	
v.	)	Judge Atchley
	)	
DONNA J. CLARK,	)	Magistrate Judge Steger

ORDER

Before the Court is Defendant's pro se motion for Early Termination of Supervised Release [Doc. 43]. On January 19, 2022, Defendant pleaded guilty to Count One of the Indictment charging her with Wire Fraud in violation of 18 U.S.C. § 1343 [Docs. 1, 21]. The Court sentenced Defendant to time served followed by three (3) years of supervised release [Doc. 39]. Defendant has now completed more than two years of her term of supervised release, which is set to expire on June 1, 2025. On November 7, 2024, the Court received a letter from Defendant asking the Court to prematurely terminate her supervised release.¹ [Doc. 43]. In support of her request, Defendant states that she (i) has not violated her conditions of supervised release; (ii) has not been charged with any new offenses; (iii) has not failed a urinalysis screen; and (iv) is timely making restitution payments. [*Id.*].

The United States Probation Office has confirmed that Defendant has passed all urinalysis screens and accrued no technical violations/new charges. It has also confirmed that Defendant has been consistently paying a minimum of 10% of her monthly income toward her restitution since placement on supervision and that her \$100 special assessment fee has been satisfied. Furthermore, the Probation Officer supervising Defendant has stated that Defendant

¹ In this letter, Defendant also requested that the Court pardon her. [Doc. 43]. The Court cannot grant this relief as only the President may pardon an individual convicted of a federal offense. *See* U.S. Const. art. II, § 2, cl. 1.

has maintained a respectful attitude toward him and has complied with his instructions. Finally, the Officer notes that Defendant has completed more than eighteen (18) months of her three (3) year term of supervised release and that at eighteen (18) months, there is a presumption under the Guide to Judiciary Policy in favor of recommending early termination for persons who meet certain qualifications, which he believes Defendant has satisfied. Thus, the Officer has no objection to Defendant's Motion for Early Termination of Supervised Release. The Government likewise does not oppose Defendant's request for early termination.

Title 18, § 3583(e)(1) of the United States Code provides as follows:

The court may, after considering the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7)–

- (1) terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice

18 U.S.C. § 3583(e). After carefully considering the requirements of the statute, the Court finds that the relevant provisions of 18 U.S.C. § 3553(a) support early termination of Defendant's supervised release at this time. In support of this conclusion, the Court notes that Defendant has served more two years of her three-year supervised release term, has complied with all conditions of her supervised release, and demonstrates an ability to comply with the law.

Accordingly, the Court "is satisfied that [early termination] is warranted by the conduct of defendant released and the interest of justice," 18 U.S.C. § 3583(e)(1), and hereby **GRANTS** Defendant's Motion [Doc. 43]. Defendant's term of supervised release is **TERMINATED**.

SO ORDERED.

/s/ Charles E. Atchley, Jr.
CHARLES E. ATCHLEY, JR.
UNITED STATES DISTRICT JUDGE