

IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF KANSAS
(WICHITA DOCKET)

THE UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Case No. 6:21-cr-10073-EFM
v.	)	
	)	
MICHAEL R. CAPPS,	)	
	)	
Defendant,	)	
_____	)	

**MOTION FOR JUDICIAL RECOMMENDATION FOR DESIGNATION TO FPC
SEAGOVILLE**

Michael Capps, through counsel, respectfully moves this Court for a judicial recommendation that the Bureau of Prisons (BOP) designate Mr. Capps to FPC Seagoville. The government does not oppose the recommendation. In support counsel states:

1. On May 11, 2023, this Court sentenced Mr. Capps to 27 months of imprisonment.
2. As part of the judgment, this Court made the following recommendation to BOP:
“At request of defendant, designation to a facility close to family in Wichita, Kansas, to facilitate family visitation.”
3. Based in part on this Court’s recommendation, BOP designated Mr. Capps to the El Reno Satellite Camp and ordered his surrender on June 27, 2023.
4. On June 23, 2023, this Court granted Mr. Capps’ release pending his appeal.
5. The Tenth Circuit issued a written decision affirming the judgment on August 13, 2024, and it denied his petition for rehearing on October 15, 2024. The mandate is expected to issue next week.
6. On August 30, 2024, Mr. Capps submitted a request to BOP asking that he be re-designated to FPC Seagoville. As he explained in his request, Mr. Capps is a veteran. As such,

he is eligible for and eager to participate in the Veteran's Program at FPC Seagoville, which is well-suited to his therapeutic needs and aspirations for rehabilitation and reintegration into society. His request was received and is currently pending.

7. Mr. Capps believes a recommendation from this Court would go a long way toward securing his re-designation to FPC Seagoville. *See* 18 U.S.C. § 3621(b). Such a post-judgment recommendation is also procedurally proper. *See United States v. Langham*, 670 F. App'x 991, 992 (10th Cir. 2016).

8. Considering Mr. Capps's specific needs and potential to benefit from the Veteran's Program, he respectfully requests that this Court issue a recommendation that the Bureau of Prisons designate him to FPC Seagoville. Such a designation will significantly enhance his ability to receive targeted support and prepare him for reintegration into society as a productive and rehabilitated individual.

For these reasons, this Court should issue an order recommending that BOP designate Mr. Capps to FPC Seagoville.

Respectfully submitted,

VIRGINIA L. GRADY
Federal Public Defender

/s/ Jacob Rasch-Chabot
Jacob Rasch-Chabot, CA Bar #295705
Assistant Federal Public Defender
633 Seventeenth Street, Suite 1000
Denver, CO 80202
(303) 294-7002
Email: Jacob_Rasch-Chabot@fd.org
Counsel for Defendant Michael Capps

CERTIFICATE OF SERVICE

The undersigned certifies that on October 17, 2024, the above and foregoing was filed utilizing this Court's ECF System and that a copy was served via this Court's system for electronic distribution on all counsel and parties of record.

/s/ Jacob Rasch-Chabot

Jacob Rasch-Chabot, CA Bar #295705