

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS M. SMITH,

Defendant.

No. 11-cr-30013-DRH

MEMORANDUM & ORDER

HERNDON, Chief Judge:

Pending before the Court is defendant Thomas M. Smith's "motion to adjust fine" (Doc. 72) and "request to appear" (Doc. 73).

As to his "motion to adjust fine," defendant Smith requests that the Court remove the \$600.00 fine that Judge Murphy, now retired, imposed as part of defendant Smith's criminal judgment, as he has consistently shown an inability to pay. The Court first notes that defendant Smith did not appeal his criminal judgment and the government has not moved to modify or remit the imposed fine. See 18 U.S.C. § 3572. And further, the monthly installment payments are not set to begin until 30 days after defendant Smith's release from imprisonment to his term of supervision. Defendant Smith will be on supervised release for 20 years; more than ample time to pay the \$600.00 fine and the \$100.00 special assessment. Thus, the Court **DENIES** defendant Smith's "motion to adjust fine" (Doc. 72).

Defendant Smith's "request to appear," asks that he be allowed to appear in Court, "to fill out and file a document called UCC-I Financing Statement and UCC-3 Amendment." He states this documentation is necessary to his "upcoming" 2255 petition and that the Bureau of Prisons has denied him access to UCC forms. The Court reminds defendant Smith that because he is an inmate, his movements are restricted and subject to sound rules of security. Moving him to this Court for the sole purpose of filling out forms that he has no demonstrated right to fill-out in the first place is not prudent. Such a request will not be entertained by this Court. Defendant Smith's "request to appear" is also **DENIED** (Doc. 73).

IT IS SO ORDERED.

Signed this 30th day of May, 2014.

 Digitally signed by
David R. Herndon
Date: 2014.05.30
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**Chief Judge
United States District Court**