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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

Brian K. Miller,

Defendant.

**MEMORANDUM DECISION  
AND ORDER**

Case No. 2:09-cr-97 CW

Judge Clark Waddoups

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Defendant Brian K. Miller has moved the court for early termination of his supervised release (Dkt. No. 66). Mr. Miller was sentenced to a term of imprisonment of 24 months to be followed by 60 months of supervised release. In addition, Mr. Miller was ordered to pay restitution in the amount of \$154,166.26. Mr. Miller began his term of supervised release on June 12, 2013, having now completed almost 34 months of the required 60 months. Mr. Miller is required to pay \$500 per month towards restitution. The probation office reports that Mr. Miller has a remaining balance on his restitution of \$150,021.28 and has missed four of his last 12 restitution payments. Mr. Miller reports that he is doing well and making progress, has found good employment and is active in volunteering in the community. The probation office reports that Mr. Miller has generally been compliant with the requirements for supervised release, with the exception of having failed to make the required restitution payments. The court recognizes and congratulates Mr. Miller on his success and encourages him to continue on the same course.

Before the court can make a decision on early termination, however, the court needs to have more information from Mr. Miller explaining his failure to make his required restitution payments. The court requests Mr. Miller to provide a thorough accounting of the restitution payments he has made, an explanation for the missed payments and his commitment and plan for completing his obligation to make full restitution. The court DENIES Mr. Miller's motion for early termination without prejudice to it being reconsidered once the court receives the requested additional information.

DATED this 28th day of March, 2016.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "Clark Waddoups", is written over a horizontal line.

Clark Waddoups  
United States District Judge