

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

Case No. 17-C-1261

and

UNITED STATES OF AMERICA,

Intervenor Plaintiff,

v.

RONALD H. VAN DEN HEUVEL and
GREEN BOX NA DETROIT LLC,

Defendant.

ORDER DENYING MOTION FOR COMPASSIONATE RELEASE

Defendant Ronald Van Den Heuvel has filed a motion for a compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), in the above matter. This is a civil case, however, in which a Judgment for damages and injunctive relief was entered against the defendant in favor of the Securities and Exchange Commission. What Van Den Heuvel is seeking is compassionate release from a sentence imposed in a criminal case.

Van Den Heuvel is serving concurrent sentences in two criminal cases, 16-CR-64 and 17-CR-160. Nevertheless, the court has no authority to grant him compassionate release in either case because he does not meet the requirements of §3582(c)(1)(A). That provision states that the court, either upon motion of the director or motion of the defendant *after* the defendant has fully exhausted any and all administrative rights to appeal a failure of the Bureau of Prisons to bring a

motion on his behalf, may modify a term of imprisonment. The Bureau of Prisons has not filed a motion on Van Den Heuvel's behalf, nor has he alleged exhaustion of his administrative rights before the Bureau of Prisons. Under these circumstances, Van Den Heuvel's motion must be denied.

SO ORDERED at Green Bay, Wisconsin this 26th day of March, 2020.

s/ William C. Griesbach
William C. Griesbach, District Judge
United States District Court