

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

FILED



4:49 pm, 11/4/20

**Margaret Botkins
Clerk of Court**

IN THE MATTER OF:

AMENDMENT TO MANDATORY
CONDITION NO. 3 OF PROBATION
AND SUPERVISED RELEASE

General Order No. 2020-14

**ORDER AMENDING MANDATORY CONDITIONS OF
PROBATION AND SUPERVISED RELEASE**

This order addresses recent changes to the law on Mandatory Condition Three of Supervised Release and Probation. This “drug testing” condition currently provides:

The defendant shall refrain from any unlawful use of a controlled substance and submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter (as determined by the court) for use of a controlled substance, but the condition stated in this paragraph may be ameliorated or suspended by the court for any individual defendant if the defendant's presentence report or other reliable information indicates a low risk of future substance abuse by the defendant.

(See Order Establishing Mandatory and Standard Conditions of Supervised Release and Probation, District of Wyoming, Oct. 13, 2016). To avoid any issues with the Tenth Circuit Court of Appeals ruling in *United States v. Eldon Miller*, --- F.3d ---, Case 19-2156 (Oct. 20, 2020), this provision will be amended. Therefore, it is hereby

ORDERED that Mandatory Condition No. 3 of Probation and Supervised Release is hereby Amended as follows:

The defendant shall refrain from any unlawful use of a controlled substance and must submit to one drug test within 15 days of release from imprisonment and at least at least two periodic drug tests thereafter, **not to exceed ten (10) drug tests per month, for use of controlled substance**, but the condition stated in this paragraph may be ameliorated or suspended by the court for any individual defendant if the defendant's presentence report or other reliable information indicates a low risk of future substance abuse by the defendant.

The United States Probation Office for the District of Wyoming shall advise all Defendants as to this amendment.

Dated this 4th day of November, 2020.



Scott W. Skavdahl
Chief U.S. District Court Judge