

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

BARTON WADE SHIVELY,
Defendant

Criminal Action No. 21-151 (CKK)

ORDER
(June 16, 2021)

The Court is in receipt of Defendant's [15] Unopposed Motion to Modify Conditions of Release. The Court shall **GRANT-IN-PART** and **DENY-IN-PART** Defendant's Motion, as set forth below:

Defendant first requests that his travel restrictions be modified to allow him to travel within the Western and Eastern Districts of Pennsylvania. The present [14] Order Setting Conditions of Release restricts Defendant's Travel to the Middle District of Pennsylvania. *See* ECF No. 14, at 2. The Government does not oppose this request. The Court **GRANTS** the portion of Defendant's unopposed motion requesting that his travel restrictions be modified and **ORDERS** that Defendant's conditions of release shall be modified to include the Eastern and Western Districts of Pennsylvania as areas within which Defendant may travel.

Defendant also requests that his conditions of release be modified to allow him to have "unlimited access to all areas of his property during his home confinement, at whatever time of day" to allow him to take his dogs outside. The Government does not oppose this request. However, the Court has learned from the Pretrial Services Agency that the probation office located in the district in which Defendant resides does not have GPS monitoring capability, but employs only Radio Frequency ("RF") technology. Unlike GPS, RF can only monitor when a person is in his residence; it cannot track the person's whereabouts when he is outside of his residence. Accordingly, to grant Defendant's requested modification, the Court would have to grant a 24-hour curfew without any limits, which would obviate any location monitoring requirement. Accordingly, the Court shall **DENY without prejudice** the portion of Defendant's motion requesting unlimited access to his property at all times. However, the Court **ORDERS** that Defendant's curfew in the evenings—which is currently "7am-6pm on work days, Mon.-Sat.," ECF No. 14, at 2—shall be extended by one hour on those days to allow Defendant additional time to go outside with his dogs when he returns home from work.

SO ORDERED.

/s/
COLLEEN KOLLAR-KOTELLY
United States District Judge