

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,

Plaintiff,

v.

LARRY FAIRFAX,

Defendant.

Case No. 2:10-CR-183-BLW

ORDER

The Court has before it Defendant's Motion for An Order Requiring Payment of Denture Replacement Expenses by U.S. Marshal. (Dkt. 64). The Court asked the U.S. Marshal to provide it with the Marshal's protocols and procedures for circumstances like the one outlined in Defendant's motion. The U.S. Marshal complied with that order on March 18, 2011.

The Court understands the Marshal's typical policies and procedures for addressing a request like Defendant's request for dentures. The Court understands that defendants are typically only in Marshal custody for a short period of time. However, this case is somewhat outside the norm. Although Defendant pleaded guilty to certain counts in the Information in this case on October 7, 2010, Defendant has not yet been sentenced. That is in large part because he is expected to testify in a related matter later this year. For that reason, Defendant has remained in Marshal custody for an extended

period of time. Therefore, although the Marshal Service may not typically conclude that “worn out” dentures deteriorated or broke while in Marshal custody, that may be the case here. The Court will not go so far as to order the Marshal to replace and pay for the dentures at this point, but it will strongly encourage the Marshal Service to reconsider its decision given the circumstances of this case.


ORDER

IT IS ORDERED:

1. Defendant’s Motion for An Order Requiring Payment of Denture Replacement Expenses by U.S. Marshal. (Dkt. 64) is **DENIED**. However, the Court strongly encourages the Marshal Service to reconsider its decision, and possibly make an appropriate exception in this case.
2. The Clerk of the Court shall provide a copy of this Order to the United States Marshal’s Office for the District of Idaho.

DATED: **March 22, 2011**





B. LYNN WINMILL
Chief U.S. District Court Judge