

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 08-00026-04-CR-W-FJG
	)	
CHRISTOPHER L. ELDER,	)	
	)	
Defendant.	)	

ORDER

Pending before the Court is Defendant’s Request for Further Clarification of His Conditions of Release With Suggestions in Support (doc. #370). The Government has opposed this motion (doc. #371) and the defendant has replied (doc. #372). The facts that lead to the current motion are not in dispute. On June 30, 2010, defendant Elder was convicted of nine counts of conspiracy and distribution of controlled substances. (See Doc. #357) Following defendant’s convictions, the government asked that defendant be taken into custody and detained pending sentencing. This request was denied. However, the Court modified the Order of Release and prohibited defendant from dispensing, administering or prescribing controlled substances. (See Doc. #364) At the time the Order of Release was modified on August 2, 2010, the defendant still retained his Texas medical license. Thereafter, on August 20, 2010, the Texas Medical Board suspended defendant’s medical license.

In the pending motion, defendant argues that the Texas Medical Board might have decided to probate the suspension of his medical license, but for the earlier order of this Court directing the defendant not to possess, administer, distribute or prescribe controlled substances. Defendant seems

to suggest that the Texas Medical Board may have erroneously interpreted this order as a directive by the federal court that the defendant not practice medicine.

The Order of Suspension (doc. #371-1) states in part that “Section 164.057(a)(1) of the Act required the Board to suspend Respondent’s license based on Respondent’s conviction of a felony.” (Doc. #371-1 at 3) The Court notes that there is no discussion in the Order of Suspension as to whether the suspension should be probated. Moreover, there is nothing unclear about the Court’s earlier bond condition that defendant is prohibited from dispensing, administering or prescribing controlled substances in his medical practice. Defendant’s request that the Court enter an order specifically stating that the defendant is authorized to practice medicine as long as he does not dispense or administer a controlled substance would be directly contrary to the order of the Texas Medical Board.

In the context of this criminal case, the Court has no authority or jurisdiction to review and overturn a decision of the medical licensing board for the State of Texas. Accordingly, it is

ORDERED that Defendant’s Request for Further Clarification of His Conditions of Release (doc. #370) is denied.

          
*/s/ Sarah W. Hays*  
SARAH W. HAYS  
UNITED STATES MAGISTRATE JUDGE