

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

93-cr-44-bbc

v.

DERRICK STANTON,

Defendant.

On August 8, 2011, defendant filed a motion for reduction of sentence under 18 U.S.C. § 3582. He alleged that because he was sentenced for possession with intent to distribute cocaine base (crack cocaine) and the guidelines for crimes involving distribution of crack cocaine have been lowered and given retroactive effect, he was entitled to a reduction in his sentence. On February 22, 2012, the government objected to a reduction on the ground that the most recent amendment did not lower defendant's guideline range and therefore he was not eligible for a reduction. The court denied defendant's motion in an order entered on February 22, 2012.

On March 5, 2012, defendant filed a notice of appeal. His appeal is pending.

Defendant has now filed a motion for an extension of time to file a response to the government's objection to his § 3582 motion. The motion will be denied for lack of jurisdiction.

Absent extraordinary circumstances, the district court should not consider any motions while an appeal is pending. United States v. Robinson, 8 F.3d 398 (7th Cir. 1993). Defendant has not alleged any extraordinary circumstances that require reconsideration of his § 3582 motion while his appeal is pending.

ORDER

IT IS ORDERED that defendant Derrick Stanton's motion for an extension of time to file a response to the government's brief in opposition to his motion filed under 18 U.S.C. § 3582 is DENIED for lack of jurisdiction.

Entered this 16th day of March, 2012.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge