

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

-----  
UNITED STATES OF AMERICA,

Plaintiff,

v.

RODERICK DOUGLAS,

Defendant.

-----

ORDER

01-cr-126-bbc

Defendant Roderick Douglas has filed a motion pursuant to 18 U.S.C. § 3582, seeking a reduction of the sentence imposed upon him on July 16, 2002. The motion will be granted.

At sentencing, defendant's total adjusted offense level was 31 and his criminal history category was II; he was sentenced to 146 months, which was near the top of the sentencing guideline range of 121 to 151 months. Under the amended guidelines, his base offense level is 29, less three levels for acceptance of responsibility. With an offense level of 27 and a criminal history category of II, defendant has an advisory guideline range of 97 to 121 months.

Defendant asks for a sentence of 97 months, at the bottom of the amended

sentencing range. The government argues for a proportional decrease to near the top of the amended range, or 117 months.

Defendant qualifies for the two-level reduction in his range. The amount of drugs for which he was held responsible is near the top of the applicable drug quantity range. In light of the amount of drugs he trafficked, his willful and repeated failure to appear in court and his demonstrated lack of responsibility for his children and for others in the community, I am not persuaded that any sentence below the middle of the guidelines range would be sufficient to carry out the statutory purposes of sentencing, which include protecting the community and achieving parity with the sentences of similarly situated defendants. It is notable that although defendant admitted being an “avid drug user” for most of his life and expressed an interest in participating in substance abuse treatment while in custody, he has not taken advantage of any such treatment during the seven years he has been incarcerated.

Defendant has not asked for a sentence below the guideline range and I am not inclined to give him one under whatever authority I have under Kimbrough v. United States, 128 S. Ct. 558 (2007).

## ORDER

IT IS ORDERED that the amended judgment and commitment order signed on July 16, 2002 is AMENDED to provide that the sentence imposed on defendant Roderick

Douglas is reduced to 109 months. In all other respects, the judgment and commitment order remains as signed on July 16, 2002.

Entered this 31st day of December, 2008.

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