

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

STERLING DANIELS,

Defendant.  
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ORDER

01-cr-9-bbc-8

On December 19, 2011, defendant Sterling Daniels filed a motion under 18 U.S.C. § 3582 for a reduction in the sentence imposed on him on September 19, 2001 and amended on October 23, 2002. In his motion, he contends 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 is entitled to a reduction in his sentence.

Defendant filed a previous § 3582 motion in January of 2008 seeking a reduction under the amendment to the guidelines. His motion was denied on December 30, 2008, because the amendment to the guidelines did not reduce the offense level for crimes involving 4.5 kilograms or more of cocaine base.

The most recent retroactive amendment to the cocaine base guideline under which he filed his current motion does not reduce the offense level for crimes involving 8.4 kilograms or more of cocaine base. Because defendant's relevant drug quantity was at least 30 kilograms, his base offense level remains at level 38 and he does not benefit from the applicable amendment.

#### ORDER

IT IS ORDERED that defendant Sterling Daniels's motion for a reduction in his sentence pursuant to 18 U.S.C. § 3582 is DENIED.

Entered this 9th day of February, 2012.

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