

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

TEK NGO,

Defendant.

ORDER

03-cr-110-bbc

Defendant Tek Ngo has moved again under 18 U.S.C. § 3582(c)(2) for a reduction of his sentence to reflect the latest amendments to the sentencing guidelines. As I explained to him in an order entered on June 17, 2015, the new amendments do not affect his guidelines because he was sentenced as a career offender and the new amendments leave the career offender guidelines unchanged. United States v. Griffin, 652 F.3d 793, 803 (7th Cir. 2011).

In his new motion, defendant argues that he was improperly sentenced as a career offender because his two prior offenses were not separated by an intervening arrest. This same issue came up at defendant's sentencing in 2004 and I explained why both offenses could be considered for career sentencing purposes: they were not related (they did not occur on the same occasion and were not part of a common scheme) and they were not consolidated for trial or sentencing. In addition, they took place 10 days apart and were not jointly planned.

ORDER

IT IS ORDERED that defendant Tek Ngo's motion for a sentence reduction under 18 U.S.C. § 3582(c)(2) is DENIED.

Entered this 31st day of July, 2015.

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