

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN RADERMACHER,

Defendant.

MEMORANDUM

05-cr-39-bbc

In an order entered May 22, 2008, the Court of Appeals for the Seventh Circuit remanded this case to this court for consideration of resentencing under Kimbrough v. United States, 128 S. Ct. 558 (2007), and to allow defendant an opportunity to move for a reduction of his sentence in light of the changes in the crack cocaine sentencing guidelines. Defendant promptly filed such a motion. Unfortunately for defendant, the changes in the crack sentencing guidelines do not provide him any relief from his present sentence. With his criminal history category of IV, both his original offense level of 42 and his reduced level under Amendment 706 carry the same imprisonment level: 360 years to life.

However, reviewing the previous sentence, defendant's presentence report and the Court's decision in Kimbrough, I am inclined to resentence defendant. Accordingly, I am

asking the court of appeals to remand this case in full so I may resentence defendant.

Entered this 25th day of August, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge