

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

JEFFREY PARKER,

Defendant.

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ORDER

06-cr-187-bbc

Defendant Jeffrey Parker has written to the court to ask for a further reduction in his sentence under 18 U.S.C. § 3582. His request must be denied. When he was re-sentenced in April 2009, he received a sentence of 120 months, which was the mandatory minimum sentence for his offense, possession with intent to distribute more than 50 grams of cocaine base in violation of 21 U.S.C. § 841.

Because Congress determines mandatory minimums, the United States Sentencing Commission has no authority to change them and the sentencing court has no authority to sentence below them. In defendant's situation, the new guidelines for crimes involving cocaine base do not help him. Unless Congress would vote to reduce or eliminate the mandatory minimum sentence for defendant's crime and make the change retroactive, there

is no way that this court can reduce the sentence imposed upon him in 2009.

ORDER

IT IS ORDERED that defendant Jeffrey Parker's request for a further reduction in his sentence is DENIED. This court has no authority to reduce the sentence below the statutory minimum mandatory sentence set by Congress.

Entered this 2d day of December, 2011.

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