

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

UNITED STATES OF AMERICA,

ORDER

Plaintiff,

v.

06-cr-56-bbc

ANDRE FISHER,

Defendant.

Defendant Andre Fisher has moved for a sentencing reduction under 18 U.S.C. § 3582. 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. He is mistaken. Defendant was sentenced on July 20, 2006 to a term of imprisonment of 210 months. In October 2008, in a previous § 3582 proceeding, he was resentenced to a term of imprisonment of 150 months. (His adjusted offense level was reduced to 31 and his amended guideline imprisonment range was 168-210 months.) Defendant was held accountable for a drug quantity of just over 300 grams of cocaine base.

Under the most recent retroactive amendment, defendant's base offense level for his drug quantity is 32 and his total offense level after applying a two-level firearm enhancement and a three-level credit for acceptance of responsibility, remains 31 with the same guideline range of 168-210 months. Because the amendment does not have the effect of lowering defendant's guideline range, relief under § 3582 is not authorized.

ORDER

Defendant Andre Fisher's motion for a reduction of sentence under 18 U.S.C. § 3582 is DENIED.

Entered this 30th day of December, 2011.

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