

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALVIN A. MARTIN,

Defendant.

ORDER

09-cr-57-bbc-01

Alvin A. Martin has written to the court, asking for a review of his case to determine whether he is eligible for a sentence reduction under 18 U.S.C. § 3582(c)(2) and the recent amendment to the sentencing guidelines. Dkt. #107. I will consider his letter as a motion for a reduction in his sentence, but the motion must be denied because defendant would not benefit from a two-level reduction. When he was sentenced, his guidelines range was 151-188 months. He was sentenced well below the applicable range, to a sentence of 120 months. Under the new amendment, defendant's guideline range would be 130-162 months. Because his sentence was not based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. 994(o), defendant's motion must be denied.

ORDER

IT IS ORDERED that defendant Alvin A. Martin's motion for a reduction in his sentence under 18 U.S. C. § 3852(c)(2) is DENIED.

Entered this 26th day of October, 2015.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge