

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES BOE,

Defendant.

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ORDER

09-cr-60-bbc

Defendant James Boe has moved pursuant to 18 U.S.C. § 3582 for a reduction in his sentence. 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. In fact, defendant was sentenced for possession of power cocaine. The guidelines for crimes involving distribution of powder cocaine have not changed since defendant was sentenced. Therefore, the retroactive changes to the cocaine base sentencing guidelines are inapplicable and §3582 relief is not available to defendant.

ORDER

IT IS ORDERED that defendant James Boe's motion for a reduction in his sentence pursuant to 18 U.S.C. § 3582 is DENIED.

Entered this 22d day of February, 2012.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge