

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHUMOND LONG,

Defendant.

ORDER

10-cr-54-bbc

Defendant Shumond Long has filed a motion under 18 U.S.C. § 3582, contending that he is entitled to a two-level reduction in his base offense level under the amendments relating to crack cocaine offenses. Technically, he is entitled to such a reduction; practically, it makes no sense.

On October 20, 2010, defendant was sentenced to 84 months in prison. His guideline range of imprisonment was 168 to 210 months. (His base offense level was 36; he was given a three-level downward adjustment for acceptance of responsibility. The resulting offense level of 33 and a criminal history category of III resulted in a guideline imprisonment range of 168 to 210 months.)

If I were to give defendant a two-level reduction in his guidelines, it would reduce his

total offense level to 34, which with his criminal history category of III would produce a range of 135 to 168 months, which is still higher than the 84-month sentence he is serving.

ORDER

IT IS ORDERED that the motion of Shumond Long's motion under 28 U.S.C. § 3582 is DENIED because his sentence, as imposed, was lower than his sentence would be if it were reduced under § 3582.

Entered this 27th day of December, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge