

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

-----  
UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS BROWN,

Defendant.

-----

ORDER

10-cr-74-bbc

Defendant Thomas Brown has moved for a sentencing reduction under 18 U.S.C. § 3582(c)(2). Unfortunately for defendant, he is not eligible for a reduction.

When defendant was first sentenced, he had been found to have a total offense level of 38, with a criminal history score of II. His sentence was 80 months, which was well below his guideline range of 262-327 months.

With the recent reduction in the sentencing guidelines, defendant's revised total offense level is now 36 and his amended guideline range is 210 to 262 months. Because defendant's 80-month sentence is below the bottom of his amended guideline range of 210 to 262 months, the retroactive amendment does not have the effect of reducing his sentence. Under U.S.S.G. § 1B1.10(b)(2)(A), except for reductions based on substantial assistance, a court may not reduce a defendant's term of imprisonment under 18 U.S.C. § 3582(c)(2) and the retroactively amended guideline range to a prison term that is less than the

minimum of the amended guideline range.

ORDER

IT IS ORDERED that defendant Thomas Brown's motion for a reduction in his sentence under 18 U.S.C. § 3582(c)(1) is DENIED.

Entered this 2d day of June, 2015.

BY THE COURT:

/s/

---

BARBARA B. CRABB  
District Judge