

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

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UNITED STATES OF AMERICA,

ORDER

Plaintiff,

12-cr-109-bbc

v.

DAMIEN SMITH,

Defendant.  
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Defendant Damien Smith has written a letter to the court inquiring about his eligibility for a sentence reduction under 18 U.S.C. § 3582(c)(2) to reflect the latest amendments to the sentencing guidelines. I will construe defendant's letter as a motion and deny it because he is not eligible for a reduction in his sentence. At the time of his sentencing, defendant was found to be a career offender and the new amendments leave the career offender guidelines unchanged. In other words, his sentence was not "based upon a sentencing range that has subsequently been lowered by the Sentencing Commission." § 3582(c)(2).

ORDER

IT IS ORDERED that defendant Damien Smith's letter to the court is construed as a motion for a sentence reduction under 18 U.S.C. § 3582(c)(2) and is DENIED.

Entered this 2d day of December, 2015.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge