

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

UNITED STATES OF AMERICA,

ORDER

Plaintiff,

v.

12-cr-62-bbc

NICOLAS COVARRUBIAS,

Defendant.

Defendant Nicolas Covarrubias has moved for a sentencing reduction under 18 U.S.C. § 3582. Dkt. #240. He contends that because he was sentenced for possession with intent to distribute cocaine and the guidelines for drug crimes have been lowered and given retroactive effect, he is entitled to a reduction in his sentence. He is mistaken. Defendant was sentenced to a mandatory term of 10 years under 21 U.S.C. § 841(b)(1). because that term was set by statute, it can be changed only by an Act of Congress. It is not affected by changes in the sentencing guidelines.

ORDER

Defendant Nicolas Covarrubias's motion for a reduction of sentence under 18 U.S.C.
§ 3582 is DENIED.

Entered this 16th day of July, 2015.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge