

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

UNITED STATES OF AMERICA,
Plaintiff,

ORDER

13-cr-110-wmc

v.

JERMAINE GREER,
Defendant.

Defendant Jermaine Greer has filed two motions seeking a modification of his sentence of 42 months imposed on February 7, 2014, pursuant to 18 U.S.C. § 3582.¹ Because § 3582 does not authorize this court to grant that relief, his motions must be denied.

Greer pled guilty to distribution of a mixture or substance containing cocaine base (crack cocaine), in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C) and 851. At sentencing, defendant had a total offense level of 23 with a criminal history category of III, making his advisory guideline range 57 to 71 months, but the court determined that a downward departure under § 5K2.0 and 18 U.S.C. § 3553(a) was appropriate.

In his motion, defendant now asserts erroneously that his original guideline range was 41 to 51 months and, therefore, the lowered guideline of 30-37 months now applies under § 3582(c)(2). In reality, defendant's new offense level would be 21, which when coupled with criminal history category III, results in a new guideline range of 46-57 months. Because defendant's sentence is *still* less than this new guideline range, this court is prohibited from authorizing a further reduction by USSG § 1B1.10(b)(2).

¹ Defendant subsequently filed letters regarding a possible downward departure from this sentence, which have been forwarded to the U.S. Probation Office in the first instance. (Dkts. ##43 & 45.)

Accordingly, defendant's request for a sentence reduction must be denied.

ORDER

IT IS ORDERED that defendant Jermaine Greer's motion for a sentence reduction under 18 U.S.C. § 3582 is DENIED.

Entered this 17th day of March, 2015.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge