

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

PATRICK HENDERSON,

Defendant.

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ORDER

97-cr-74-bbc

Defendant Patrick Henderson has filed a motion pursuant to 18 U.S.C. § 3582, seeking a reduction of the sentence imposed upon him on April 13, 1998. The motion must be denied.

At sentencing, defendant's total adjusted offense level was 42 and his criminal history category was VI. He was sentenced to a term of 360 months, which was at the bottom of the sentencing guideline range of 360 months to life. Under the amended guidelines, his base offense level would be 36, plus two levels for foreseeing his co-conspirators' possession of firearms in relation to the conspiracy, plus two levels for use or attempted use of a minor, with no reduction for acceptance of responsibility. With an adjusted offense level of 40, and a criminal history category of VI, defendant's advisory guideline range does not change

but remains 360 months to life. Thus, a reduction would be of no advantage to him.

Defendant is not eligible for a sentence below the advisory guideline range under Kimbrough v. United States, 128 S. Ct. 558 (2007).

ORDER

IT IS ORDERED that defendant Patrick Henderson's motion for resentencing under 18 U.S.C. § 3582 is DENIED.

Entered this 17th day of February, 2009.

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