

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

RODNEY R. RAINES,

Defendant.

ORDER

01-cr-9-bbc-4

On November 15, 2011, defendant Rodney Raines filed a motion under 18 U.S.C. § 3582 for a reduction in the sentence imposed on him on April 11, 2002 and amended on May 2, 2003. In his motion, he contends that because he was sentenced for possession with intent to distribute cocaine base (crack cocaine) and the guidelines for crimes involving distribution of crack cocaine have been lowered and given retroactive effect, he is entitled to a reduction in his sentence.

Defendant filed a previous § 3582 motion in March of 2008 seeking a reduction under the amendment to the guidelines. His motion was denied on December 30, 2008, because the amendment to the guidelines did not reduce the offense level for crimes involving 4.5 kilograms or more of cocaine base.

The most recent retroactive amendment to the cocaine base guideline under which he files his current motion, does not reduce the offense level for crimes involving 8.4 kilograms or more of cocaine base. Therefore, given defendant's relevant drug quantity of at least 30 kilograms, his base offense level remains at level 38 and he does not benefit from the applicable amendment.

ORDER

IT IS ORDERED that defendant Rodney Raines's motion for a reduction in his sentence pursuant to 18 U.S.C. § 3582 is DENIED.

Entered this 8th day of February, 2012.

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