

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

UNITED STATES OF AMERICA,

ORDER

Plaintiff,

v.

03-cr-22-bbc

RANDY COLLINS,

Defendant.

Defendant Randy Collins has moved for a sentencing reduction under 18 U.S.C. § 3582. 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. He is mistaken.

Defendant was sentenced on July 30, 2003 to a term of imprisonment of 200 months. His sentence was based on a total offense level of 35 and a criminal history category of I, resulting in a guideline imprisonment range of 168 to 210 months. Defendant was held accountable for a drug quantity of 1.455 kilograms of cocaine base.

On December 15, 2008, defendant filed a §3582 motion and on January 16, 2009,

the court resentenced defendant to a term of imprisonment of 145. His sentence was based on an adjusted total offense level of 33 and an amended guideline imprisonment range of 135 to 168 months.

Under the most recent retroactive amendment, defendant's total offense level remains at 33, with the same guideline range of 135-168 months. Because the amendment does not have the effect of lowering defendant's guideline range, relief under § 3582 is not authorized.

ORDER

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

Entered this 17th day of February, 2012.

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