

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

BRADLEY J. DOCKEN,

Defendant.

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ORDER

03-cr-98-jcs

Defendant Bradley J. Docken has filed a motion pursuant to 18 U.S.C. § 3582, seeking a modification of the sentence imposed upon him on December 4, 2003. While Judge Shabaz is on medical leave, I am handling the motions that would otherwise be assigned to him, including this one.

To obtain a reduction in his sentence under § 3582 and Amendment 706, defendant must show that he was sentenced for possession or distribution of crack cocaine. My review of defendant's file shows that he was charged and convicted of conspiracy to manufacture methamphetamine. In determining defendant's sentence, Judge Shabaz took into account a quantity of powder cocaine that defendant had possessed along with the methamphetamine, but he did not refer to any crack cocaine. Nothing in the presentence

report indicated that defendant had possessed crack cocaine. Accordingly, defendant is not eligible for a sentencing reduction under Amendment 706, which relates solely to crack cocaine offenses.

Defendant has asked the court to consider whether Amendments 711, 712, 715 or the amendment to the commentary in U.S.S.G. § 2D1.1 might apply to him. I am aware of no sentencing guideline amendments within the last year that would both bear on his sentence and have retroactive effect.

ORDER

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

Entered this 25th day of August, 2008.

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