

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

UNITED STATES OF AMERICA,

ORDER

Plaintiff,

v.

04-cr-107-bbc

BRYAN K. SAM, SR.,

Defendant.

Defendant Bryan Sam, Sr., has moved for a sentencing reduction under 18 U.S.C. § 3582. Dkts. ## 104 and 105. 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 April 22, 2005, to a term of imprisonment of 210 months. His sentence was based on a total offense level of 35. His guideline imprisonment range was 168-210 months. Defendant was held accountable for a drug quantity of at least 5,599 kilograms of marijuana equivalent, including 232.39 grams of cocaine base, 4.45

kilograms of powder cocaine and 61.24 kilograms of marijuana. After he filed a previous motion under § 3582, defendant was given a sentence of 150 months based on an adjusted total offense level of 33 and a guideline imprisonment range of 135-168 months.

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

ORDER

Defendant Bryan Sam, Sr.'s motions for reduction of sentence filed under 18 U.S.C. § 3582, dkts. ## 104 and 105, are DENIED.

Entered this 6th day of March, 2012.

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