

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

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UNITED STATES OF AMERICA,

ORDER

Plaintiff,

v.

04-cr-109-bbc

ANGELINE BILLYBOY,

Defendant.  
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Defendant Angeline Billyboy has filed a motion pursuant to 18 U.S.C. § 3582, seeking a modification of the sentence imposed upon her on January 7, 2005 and amended on March 13, 2008. Unfortunately for defendant, she is not eligible for a reduction under a change in the guidelines.

When defendant was resentenced in 2008, she received a statutory mandatory term of 10 years in prison. That mandatory minimum is not affected by the amendment to the sentencing guidelines, which lowered and made retroactive the sentencing guideline ranges for certain offenses involving crack cocaine. Only Congress can reduce a statutory penalty; the Sentencing Commission's authority is limited to changes in guideline calculations.

ORDER

IT IS ORDERED that defendant Angeline Billyboy's motion for modification of sentence under 18 U.S.C. § 3582 is DENIED.

Entered this 15th day of December, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge