

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-181-bbc

JERRY McCOY,

Defendant.  
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Defendant Jerry McCoy has filed a motion pursuant to 18 U.S.C. § 3582, seeking a modification of the amended sentence imposed upon him on April 15, 2005 and amended on March 5, 2008.

My review of defendant's file shows that he pleaded guilty to conspiracy to distribute and possess cocaine in violation of 21 U.S.C. § 846. His sentence was based on relevant drug conduct of 15 kilograms to 50 kilograms of powder cocaine. He was not sentenced for possession of crack cocaine. Because the retroactive changes apply only to the sentencing guidelines applicable to crimes involving cocaine base (crack cocaine), defendant does not qualify for a sentence reduction under § 3582.

ORDER

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

Entered this 6th day of December, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge