

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAMIRO MARTINEZ,

Defendant.

ORDER

04-cr-184-bbc

Defendant Ramiro Martinez has filed a motion pursuant to 18 U.S.C. § 3582, seeking a modification of the sentence imposed upon him on March 18, 2005. Because Judge Shabaz has taken senior status, I am handling defendant's motion.

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 show that he was charged with possession and distribution of powder cocaine, with no mention of crack cocaine. Accordingly, he is not eligible for a sentencing reduction.

ORDER

IT IS ORDERED that defendant Ramiro Martinez's § 3582 motion for a sentence

reduction under 18 U.S.C. § 3582 is DENIED.

Entered this 11th day of February, 2009.

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