

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

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UNITED STATES OF AMERICA,

Plaintiff,

V.

LARRY McGEE,

Defendant.

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ORDER

05-cr-136-bbc

Defendant Larry McGee has filed a motion pursuant to Rule 60(b) arguing that he is entitled to be resentenced under the Fair Sentencing Act of 2010. From my review of the law, I conclude that he is not eligible for resentencing. The Fair Sentencing Act has not been held to be retroactive to offenses committed before August 3, 2010. Defendant was found guilty in 2005 of possessing crack cocaine with intent to distribute it.

Defendant's motion will be denied without requiring the government to respond.

ORDER

IT IS ORDERED that defendant Larry McGee's motion pursuant to Rule 60(b) is DENIED.

Entered this 16th day of November, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge