

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

ESRIEL PRADO,

Defendant.

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ORDER

05-CR-150-S-01

The government's motion for reduction of sentence pursuant to Rule 35(b), Federal Rules of Criminal Procedure, came on to be heard before the Court in the above entitled matter on December 12, the government having appeared by Erik C. Peterson, United States Attorney for the Western District of Wisconsin, by Daniel J. Graber, Assistant United States Attorney; defendant having waived his appearance, appeared by Richard Coad. Honorable John C. Shabaz, District Judge, presided.

Although defendant provided background information to the DEA, the Court does not find that he provided substantial assistance to such a degree as to place him within the heartland of cases to which the Court has previously granted a downward variance. Defendant was previously rewarded for telling the government all he knew by application of the "safety valve" waiver of a five-year mandatory incarceration term as well as receiving a two-level offense level reduction under § 2D1.1(b)(7). Accordingly, the government's motion for a reduction of sentence will be denied.

USA v. Esriel Prado  
Case No. 05-CR-150-S-01

ORDER

IT IS ORDERED the government's motion for reduction of sentence is DENIED.

Entered this 12th day of December, 2006.

BY THE COURT:

S/

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JOHN C. SHABAZ  
District Judge