

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

JEFFREY McREYNOLDS,

Defendant.

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ORDER

05-cr-22-bbc

Defendant Jeffrey McReynolds has filed a motion pursuant to 18 U.S.C. § 3582, seeking a reduction of the sentence imposed upon him on October 20, 2005 by the Honorable John C. Shabaz. Now that Judge Shabaz has taken senior status, I am handling his cases, including this one.

At sentencing, defendant's total adjusted offense level was 33 and his criminal history category was IV; he was sentenced to 235 months, which was at the top of the sentencing guideline range of 188 to 235 months. Under the amended guidelines, his base offense level is 34, less three levels for acceptance of responsibility. With an offense level of 31 and a criminal history category of IV, defendant has an advisory guideline range of 151 to 188 months.

Defendant asks for a sentence of 151 months, at the bottom of the amended sentencing range. The government argues for a proportional decrease to the top of the amended range, or 188 months.

After reviewing the presentence report and taking into consideration the continued discrepancy between the sentences for crack cocaine distribution and those for powder cocaine, I am persuaded that a sentence of 151 months is sufficient to carry out the statutory purposes of sentencing, which include protecting the community, providing defendant a continued opportunity for rehabilitative programs and achieving parity with the sentences of similarly situated defendants. (It appears from the materials that defendant has submitted to the court that he is taking full advantage of the programming within the Bureau of Prisons.)

Defendant has not asked for a sentence below the guideline range and I am not inclined to give him one under whatever authority I have under Kimbrough v. United States, 128 S. Ct. 558 (2007).

#### ORDER

IT IS ORDERED that the judgment and commitment order signed on October 20, 2005 is AMENDED to provide that the sentence imposed on defendant Jeffrey McReynolds is reduced to 151 months. In all other respects, the judgment and commitment order

remains as signed on October 20, 2005.

Entered this 3d day of February, 2009.

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