

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

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

05-CR-0024-C

v.

CORTLAND SHELLY,

Defendant.

Defendant Cortland Shelly has filed a Notice of Petition and Petition Pursuant to 18 U.S.C. § 3582(c)(2) and United States Sentencing Guideline § § § 1B1.10, 2D1.1(c), 4A1.2(c) for Re-Sentencing as to the Intervening Change in Crack Cocaine and Criminal History Points Guidelines.” Section 3582(c)(2) allows a district court to modify a sentence of imprisonment on the basis of a sentencing range that has been lowered by the United States Sentencing Commission pursuant to 18 U.S.C. § 920(o), so long as the commission has determined that the reduction in the sentencing range should be applied retroactively.

To date, the sentencing commission has not decided the retroactivity of the change in the cocaine base/crack guidelines. Therefore, defendant’s petition will be denied without

prejudice. If the commission decides that the reduction should be retroactive, defendant may re-file his petition.

ORDER

IT IS ORDERED that defendant Cortland Shelly's petition under 18 U.S.C. § 3582 is DENIED WITHOUT PREJUDICE.

Entered this 4th day of December, 2007.

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