

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN RADERMACHER,

Defendant.

ORDER

05-cr-39-bbc

Defendant John Radermacher has filed a motion under 18 U.S.C. § 3582, contending that he is entitled to a two-level reduction in his base offense level under the amendments relating to crack cocaine offenses. Technically, he is entitled to such a reduction; practically, it makes no difference in his sentence.

On April 5, 2006, defendant was sentenced to 360 months in prison. In November of 2008, the court of appeals remanded the case for resentencing and on November 5, 2008, defendant was resentenced to 300 months. His guideline range of imprisonment was 360 months to life. (His total offense level was 40 and his criminal history category was IV.) He was held accountable for a drug quantity of at least 1.5 kilograms of cocaine base.

Under the most recent retroactive amendment, if I were to give defendant a two-level

reduction in his guidelines, it would reduce his total offense level to 38. His sentencing range would be reduced to 324 to 405 months, but that range is still higher than the 300-month sentence he is serving.

ORDER

IT IS ORDERED that the motion for resentencing under 18 U.S.C. § 3582 filed by defendant John Radermacher is DENIED because his sentence, as imposed, was lower than his sentence would be if it were reduced under § 3582.

Entered this 30th day of December, 2011.

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