

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

UNITED STATES OF AMERICA,

ORDER

Plaintiff,

v.

06-cr-106-bbc

CHEONCELLO GRADY,

Defendant.

Defendant Cheoncello Grady has moved for a sentencing reduction under 18 U.S.C. § 3582. He contends that because he was sentenced for possession with intent to distribute cocaine base (crack cocaine) and the guidelines for crimes involving distribution of crack cocaine have been lowered and given retroactive effect, he is entitled to a reduction in his sentence. He is mistaken.

Defendant was sentenced on October 11, 2006 to a term of imprisonment of 188 months. His sentence was based on a total offense level of 33 and a criminal history category of IV. His guideline imprisonment range was 188 to 235 months. Defendant was held accountable for a drug quantity of 907.89 grams of cocaine base.

On November 14, 2007 defendant was resentenced under Fed. R. Crim. P. Rule 35(b) to a term of imprisonment of 135 months. His sentence was based on a recalculated total offense level of 30 and an amended guideline imprisonment range of 135 to 168 months.

Under the most recent retroactive amendment, defendant's total offense level remains at 30, with the same guideline range of 135 to 168 months. Because the amendment does not have the effect of lowering defendant's guideline range, relief under § 3582 is not authorized.

ORDER

Defendant Cheoncello Grady's motion for a reduction of sentence under 18 U.S.C. § 3582 is DENIED.

Entered this 17th day of February, 2012.

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