

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

UNITED STATES OF AMERICA,

ORDER

Plaintiff,

06-cr-174-bbc

v.

MELVIN D. JACKSON,

Defendant.

Defendant Melvin Jackson has moved under 18 U.S.C. § 3582(c)(2) for a reduction of his sentence to reflect the latest amendments to the sentencing guidelines. Unfortunately for defendant, he is not eligible for a reduction in his sentence because he was found to be a career offender at the time of his original sentencing and the new amendments leave the career offender guidelines unchanged. This means that his sentence was not “based upon a sentencing range that has subsequently been lowered by the Sentencing Commission.” § 3582(c)(2).

Although defendant was later the subject of a motion by the government brought under Fed. R. Crim. P. 35(b) and resentenced under an adjusted guideline range of 31, his criminal history category did not change from VI. He remains a career offender. United

States v. Hearn, 549 F.3d 680, 684 (7th Cir. 2008) (“When a court sentences under the career offender Guideline, it has the right, of course, to determine that the resulting guideline sentence is not appropriate and to elect to impose a lesser sentence that, in the judgment of the sentencing court, comports with the criteria of 18 U.S.C. § 3553. When this assessment implicates the crack/powder cocaine issue, the resentencing court must, of course, be respectful of the statutory disparity between crack and powder cocaine. See 21 U.S.C. § 841(b).”).

ORDER

IT IS ORDERED that defendant Melvin Jackson’s motion for a sentence reduction under 18 U.S.C. § 3582(c)(2) is DENIED.

Entered this 13th day of July, 2015.

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