

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

UNITED STATES OF AMERICA,

ORDER

Plaintiff,

v.

06-cr-189-bbc

DAVID FRANKLIN,

Defendant.

Defendant David Franklin has filed a motion under 18 U.S.C. § 3582, seeking a modification of the sentence imposed upon him on April 11, 2007.

My review of defendant's file shows that he pleaded guilty to possessing more than five grams of cocaine base (crack cocaine) with intent to distribute it, in violation of 21 U.S.C. § 841(a)(1). At sentencing, defendant was determined to be a career offender as defined in U.S.S.G. § 4B1.1(a). Unfortunately for defendant, the amendment to the guidelines does not apply to him, because his sentence was determined by his status as a career offender and not by drug quantity. Therefore, I must deny his motion for a sentence reduction.

ORDER

IT IS ORDERED that defendant David Franklin's motion for a sentence reduction under 18 U.S.C. § 3582 is DENIED.

Entered this 27th day of March, 2012.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge