

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNARD JOHNSON,

Defendant.

ORDER

06-cr-197-bbc

Defendant Kennard Johnson has filed a motion pursuant to 18 U.S.C. § 3582, seeking a modification of the sentence imposed upon him on May 3, 2007 and appointment of counsel. Defendant is not eligible for a reduction in his sentence and counsel could not change the outcome.

To obtain a reduction under § 3582 and Amendment 706, defendant must show that he was sentenced for possession or distribution of crack cocaine. Defendant was sentenced for distribution of heroin. He has not cited any amendment to the guidelines that would affect his sentence. Accordingly, he is not eligible for a sentencing reduction.

ORDER

IT IS ORDERED that defendant Kennard Johnson's motion for a sentence reduction

under 18 U.S.C. § 3582 is DENIED, as is his motion for appointment of counsel.

Entered this 5th day of January, 2009.

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