

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN K. BILLUPS,

Defendant.

ORDER

06-cr-213-bbc

Defendant Brian K. Billups has filed a motion pursuant to 18 U.S.C. § 3582, seeking a modification of the sentence imposed upon him on April 24, 2007.

Defendant pleaded guilty to possessing a mixture or substance containing cocaine, with intent to distribute it, in violation of 21 U.S.C. § 841(a)(1). At sentencing, defendant had a base offense level of 28 but he was determined to be a career offender as defined in U.S.S.G. § 4B1.1(a). As a career offender, his base offense level was 32. With a two-level adjustment for acceptance of responsibility and a one-level reduction based on the government's motion, his total offense level was 29.

Defendant now asks for a reduction in his sentence under Amendment 706 to the Sentencing Guidelines, which recalculates the sentencing ranges for crack cocaine offenses as they relate to the drug equivalency tables in U.S.S.G. § 2D1.1(c). Unfortunately for

defendant, the amendment 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 Brian Billups's motion for a sentence reduction under 18 U.S.C. § 3582 is DENIED.

Entered this 24th day of December, 2008.

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