

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

DEVADA BURNS,

Defendant.

ORDER

06-cr-215-bbc

Defendant Devada Burns has moved under 18 U.S.C. § 3582 for a reduction in the sentence imposed on him on May 15, 2007 and amended on July 16, 2008. He has also moved for appointment of counsel. Both motions will be denied. When defendant was sentenced, 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, he 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 Devada Burns's motion for a reduction in his sentence pursuant to 18 U.S.C. § 3582 is DENIED, as is his motion for appointment of counsel.

Entered this 25th day of May, 2012.

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