

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANDRE FISHER,

Defendant.

ORDER

06-cr-56-bbc

Defendant Andre Fisher filed a motion for a reduction in his sentence under 18 U.S.C. § 3582, which allows a defendant to seek reduction in his sentence if the sentence was based on a sentencing range that has subsequently been lowered by the Sentencing Commission. In 2007, the Sentencing Commission lowered by two levels the guideline ranges that had applied to crack cocaine offenses.

Defendant's motion will be denied as moot, because defendant has had his sentence reduced after his case was remanded by the Court of Appeals for the Seventh Circuit to allow this court to reconsider defendant's sentence in light of United States v. Kimbrough, 128 S. Ct. 558 (2007). On re-sentencing, I sentenced defendant, using the 2007 amended guidelines. The effect of doing so was the same as if I had granted his § 3582

motion: he received a two-level reduction in his amended guideline range. I set defendant's sentence at the bottom of the advisory guideline range, as I had at his original sentencing. Thus, defendant has received all of the relief to which he would have been entitled under § 3582.

ORDER

IT IS ORDERED that defendant Andre Fisher's motion for a reduction of his sentence under § 3582 is DENIED as moot.

Entered this 30th day of October, 2008.

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