

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

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UNITED STATES OF AMERICA,

ORDER

Plaintiff,

v.

07-cr-149-bbc

ELIZABETH CIRVES,

Defendant.  
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Defendant Elizabeth Cirves has moved for a sentencing reduction under 18 U.S.C. § 3582. She contends that because she was sentenced for possession with intent to distribute cocaine base (crack cocaine) and the guidelines for crimes involving distribution of crack cocaine have been lowered and given retroactive effect, she is entitled to a reduction in his sentence. She is mistaken.

Defendant was sentenced on March 26, 2008, to a term of imprisonment of 151 months. Her sentence was based on a total offense level of 29 and a criminal history category of VI. Her guideline imprisonment range was 151 to 188 months. Defendant was held accountable for a drug quantity of 6.29 kilograms of cocaine powder cocaine and 7.773

grams of crack cocaine.

On October 21, 2009, defendant was resentenced under Fed. R. Crim. P. Rule 35(b) to a mandatory minimum term of imprisonment of 120 months.

Under the most recent retroactive amendment, defendant's total offense level remains at 29. Because the amendment does not have the effect of lowering defendant's guideline range, relief under § 3582 is not authorized.

#### ORDER

Defendant Elizabeth Cirves's motion for a reduction of sentence under 18 U.S.C. § 3582 is DENIED.

Entered this 17th day of February, 2012.

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