

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

UNITED STATES OF AMERICA,

ORDER

Plaintiff,

v.

07-cr-33-bbc

JEROME HUGHES,

Defendant.

Defendant Jerome Hughes has filed a motion pursuant to 18 U.S.C. § 3582, seeking a modification of the amended sentence imposed upon him on November 2, 2007 and amended on February 24, 2009.

My review of defendant's file shows that 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, defendant was determined to be a career offender as defined in U.S.S.G. § 4B1.1(a) but he was sentenced to 360 months, the low end of the guidelines range on the basis of his drug quantity of between 1.5 and 4.5 kilograms of cocaine base, because his offense level under U.S.S.G. § 2D1.1 was higher than the career-

offender guideline offense level.

Under the most recent retroactive amendment to the cocaine base guidelines, defendant's base offense level for his drug quantity of between 1.5 and 4.5 kilograms produces the same result as under the career-offender guideline under U.S.S.G. § 4B1.1(b). Unfortunately for defendant, because the amendment does not affect defendant's career-offense level and his guideline range remains unchanged, he is not eligible for a reduction of his sentence.

ORDER

IT IS ORDERED that defendant Jerome Hughes's motion for a sentence reduction under 18 U.S.C. § 3582 is DENIED.

Entered this 19th day of December, 2011.

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