

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN H. MASON,

Defendant.

ORDER

08-cr-148-bbc-01

Defendant John H. Mason has moved for correction of his sentence under 28 U.S.C. § 2255. He contends that under the newly enacted Fair Sentencing Act of 2010 he is entitled to have his sentence reduced to reflect the changes in the guidelines for crimes involving crack cocaine, but he is wrong. The changes affect only the sentences of persons who did not commit their crimes until after the enactment of the Act.

The savings clause, 1 U.S.C. § 109, provides that the repeal of any statute does not change the status of any penalty incurred under the former version of the statute unless the repealing statute provides expressly for retroactivity. The Fair Sentencing Act makes no mention of retroactivity; therefore, under the savings clause, that Act has no retroactive effect on sentences like defendant's that were imposed for crimes committed before the Act

went into effect. United States v. Bell, —F.3d— 2010 WL 4103700 (7th Cir. Oct. 20, 2010). See also, United States v. Gomez, 621 F.3d 1343 (11th Cir. 2010); United States v. Carradine, 621 F.3d 575 (6th Cir. 2010).

Defendant was sentenced in 2008 for crimes committed that same year. Under § 109, therefore, his sentence is not affected by the changes in the Fair Sentencing Act.

ORDER

IT IS ORDERED that defendant John H. Mason's motion for correction of his sentence is DENIED.

Entered this 23d day of November, 2010.

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