

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

UNITED STATES OF AMERICA,

ORDER

Plaintiff,

v.

08-cr-27-bbc

MICHAEL D. SCATES,

Defendant.

Defendant Michael Scates has filed a document labeled “Request that the Order of the Court be Set Aside, Corrected, or Otherwise Voided With Further and Complete Factual and Legal Findings Made Due to Mistake or Oversight.” Because this document was filed within 14 days of the court’s April 29, 2013, order denying defendant’s motion under 18 U.S.C. § 3582, I will construe it as a motion for reconsideration of that order. However, nothing in the motion convinces me that it was error to deny his motion.

In his original motion, defendant asked for a modification of his sentence on the basis of United States v. Wren, 706 F. 3d 861 (7th Cir. 2013), which interpreted the 2011 amendments to the crack cocaine sentencing guidelines. As I explained to defendant in the April 29, 2013 order, because his sentence was reduced to 80 months in November 2011, after the 2010 retroactive amendments to the crack cocaine sentencing guidelines had taken effect, he cannot file a second motion for a reduction of sentence under 18 U.S.C. §

3582(c)(2), so long as he is relying on the same amendment.

ORDER

IT IS ORDERED that defendant Michael Scates's motion for reconsideration is DENIED.

Entered this 10th day of May, 2013.

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