

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

UNITED STATES OF AMERICA,

ORDER

Plaintiff,

v.

08-cr-33-bbc

LAMARR MURRAY,

Defendant.

Defendant Lamarr Murray has moved for a sentencing reduction under 18 U.S.C. § 3582. He contends that because he 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, he is entitled to a reduction in his sentence. He is mistaken. Pursuant to 21 U.S.C. § 841(b)(1), defendant was sentenced to a mandatory term of 120 months in prison. That term was set by statute and can be changed only by an act of Congress. It is not affected by changes in the sentencing guidelines.

ORDER

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

Entered this 29th day of December, 2011.

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