

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTHONY DUMAS,

Defendant.

ORDER

08-cr-7-bbc

Defendant Anthony Dumas has moved under 18 U.S.C. § 3582 for a reduction in the sentence imposed on him on July 21, 2008. He has also moved for appointment of counsel. Both motions will be denied. When defendant was sentenced, 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, he was determined to be a career offender as defined in U.S.S.G. § 4B1.1(a). Unfortunately for defendant, the amendment to the guidelines does not apply to him, because his sentence was determined by his status as a career offender and not by drug quantity. Therefore, I must deny his motion for a sentence reduction.

In a separate filing with the court, defendant asks for copy of his sentencing transcript

and his presentence report. The clerk of court will be responding to defendant separately to tell him the cost of the sentencing transcript. As to defendant's request for a copy of his presentence report, a review of the file indicates that defendant made the same request in April of 2010. His request was granted in an order entered on May 25, 2010, and arrangements were made for a copy of the presentence report to be sent to the Racine Correctional Institution so that defendant could view it at the prison. As defendant knows, his presentence report is a sealed document. For security reasons, he is not allowed to keep it in his possession but he can request permission to review the document at the prison.

ORDER

IT IS ORDERED that defendant Anthony Dumas's motion for a reduction in his sentence pursuant to 18 U.S.C. § 3582 is DENIED, as is his motion for appointment of counsel.

Entered this 30th day of April, 2012.

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