

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

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DERRICK HARDEN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.  
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ORDER

09-cr-100-bbc

Petitioner Derrick Harden has moved for a reduction of his sentence under Amendment 782, promulgated by the United States Sentencing Commission. Unfortunately for petitioner, he is not eligible for a reduction because he was classified as a career offender when he was sentenced in this court on December 30, 2009 and Amendment 782 does not affect the sentences of career offenders. Rather, as U.S.S.G. § 1B1.10 explains, the amendment applies only if it has the effect of lowering the defendant's applicable guideline range. In the case of a person who qualifies as a career offender, the guideline range is determined by the provisions applicable to career offenders, not by the drug quantity table.

If, in the future, the Sentencing Commission promulgates an amendment that makes career offenders eligible for sentence reductions, petitioner may file a new motion for reduction of this sentence. At present, however, he is not eligible for any reduction.

ORDER

IT IS ORDERED that petitioner Derrick Harden's motion for a reduction in his sentence under U.S.S.G. Amendment 782 is DENIED.

Entered this 18th day of February, 2015.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge