

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

DEREK FARMER,

Defendant.

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ORDER

09-cr-113-bbc

Defendant Derek Farmer has filed a letter with the court in which he asks for a reduction in his sentence under the amendment to the sentence guidelines and because of rehabilitative efforts he has made in prison. I will construe his letter as a motion for reduction of sentence under 18 U.S.C. § 3582. Unfortunately, defendant is not eligible for a reduction in his sentence on either basis.

To obtain a reduction under § 3582 and under the amendment to the sentencing guidelines, defendant must show that he was sentenced for possession or distribution of crack cocaine. Defendant was sentenced for distribution of heroin. He has not cited any amendment to the guidelines that would affect his sentence. Accordingly, he is not eligible for a sentencing reduction on that basis.

As to defendant's request for a reduction of his sentence based on the rehabilitative efforts he has made while in prison, the motion must be denied because this court has no authority to reduce defendant's sentence. Once the court has imposed a sentence, it loses jurisdiction to make any changes in the sentence except in two specific circumstances: (1) if the United States Government moves for a reduction in recognition of substantial assistance that the defendant has provided; or (2) if the court of appeals reverses defendant's conviction. Neither of these things has happened in this case, so I must deny defendant's motion.

Although defendant's efforts at rehabilitation are commendable, Congress does not allow a court to reduce defendant's sentence for that reason.

ORDER

IT IS ORDERED that defendant Derek Farmer's motion for a sentence reduction under 18 U.S.C. § 3582 is DENIED.

Entered this 14th day of May, 2014.

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