

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

UNITED STATES OF AMERICA,

ORDER

Plaintiff,

v.

09-cr-159-bbc

JOHN CARR,

Defendant.

Defendant John Carr 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.

Defendant was sentenced on August 11, 2010, to a term of imprisonment of 72 months. His sentence was based on a total offense level of 31. His guideline imprisonment range was 135 to 168 months. Defendant was held accountable for a drug quantity of 292 grams of cocaine base (crack cocaine).

Under the most recent retroactive amendment, defendant's total offense level remains at 31. Because the amendment does not have the effect of lowering defendant's guideline range, relief under § 3582 is not authorized.

ORDER

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

Entered this 27th day of February, 2012.

BY THE COURT:

/s/
BARBARA B. CRABB
District Judge