

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

EUGENE SHIELDS,

Defendant.

ORDER

13-cr-44-bbc

Defendant Eugene Shields has written to the court asking for appointment of counsel to assist him in obtaining a reduction in his sentence under 18 U.S.C. § 3582(c)(2) and the recent amendment to the sentencing guidelines. Dkt. #86. His motion will be denied. Counsel would be of no assistance to him because he does not qualify for the two-level reduction under the recent guideline amendment.

When defendant was sentenced, he had a total offense level of 31 and a criminal history category of VI. His guidelines range was 188 to 235 months. At sentencing, defendant received a variance, which resulted in a sentence of 110 months.

Because defendant's sentence involved a variance and was not based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. 994(o), defendant's motion for a modification of his sentence must be denied.

ORDER

IT IS ORDERED that defendant Eugene Shields's motion for appointment of counsel and for a reduction in his sentence under 18 U.S.C. § 3582(c)(2) and the recent amendment to the sentencing guidelines are DENIED.

Entered this 7th day of December, 2015.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge