



United States of America v. andre Manigault

2013 | Cited 0 times | D. South Carolina | January 18, 2013

ORDER

Upon motion of the defendant under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at U.S.S.G. § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion (ECF No. 764) is DENIED. As the defendant concedes in his motion, Amendment 750 does not have the effect of lowering the defendant's guideline range of Life. While the court certainly commends the defendant's efforts at rehabilitation, such an effort cannot be considered by itself under § 3582(c)(2), which authorizes a reduction solely based on changes to a sentencing guideline range. Where there is no application of Amendment 750 to the defendant's sentence, this court is prohibited from reducing the defendant's sentence purely for rehabilitation efforts.

IT IS SO ORDERED.

