



## USA v. Levin et al

2014 | Cited 0 times | D. Colorado | December 31, 2014

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLORADO

Judge Philip A. Brimmer Criminal Case No. 12-cr-00012-PAB-1 UNITED STATES OF AMERICA,

Plaintiff, v. 1. YARON “RONI” LEVIN,

Defendant.

ORDER

This matter comes before the Court on defendant Yaron Levin’s Ex Parte Motion to Modify or Reduction of Sentence Cause Being Shown [Docket No. 288]. The defendant’s motion, which is filed pro se, does not identify any authority for his request. Moreover, he identifies personal as opposed to legal reasons to grant his motion. “A district court does not have inherent authority to substantively modify a previously imposed sentence. It may make modifications only pursuant to statutory authorization.” *United States v. Kieffer*, No. 13-1371, 2014 WL 7238565, at \*5 (10th Cir. Dec. 22, 2014) (unpublished), citing *United States v. Smartt*, 129 F.3d 539, 540 (10th Cir. 1997), and *United States v. Graham*, 704 F.3d 1275, 1277 (10th Cir. 2013). Construing defendant’s motion liberally, the Court is not aware of any authority, in particular Fed. R. Crim. P. 35 and 36, that would justify a modification or reduction of Mr. Levin’s sentence for the reasons that he notes. As a result, it is

ORDERED that defendant’s Ex Parte Motion to Modify or Reduction of Sentence Cause Being Shown [Docket No. 288] is denied. It is further

ORDERED that the filing restrictions on defendant’s motion shall be lifted.

DATED December 31, 2014.

BY THE COURT:

s/Philip A. Brimmer PHILIP A. BRIMMER United States District Judge

