

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) Criminal Action No. 97-86-SLR
)
SAMPSON SANDERS,)
)
 Defendant.)

MEMORANDUM ORDER

WHEREAS, on December 9, 1997, defendant Sampson Sanders entered a guilty plea to Possession with Intent to Distribute Cocaine, a violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C). (D.I. 13)

WHEREAS, on March 3, 1998, the court sentenced defendant to 151 months imprisonment. (D.I. 18)

WHEREAS, on October 31, 2000, defendant filed a motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) and U.S.S.G. § 5K2.0, as amended effective November 1, 1998. (D.I. 23)

WHEREAS, Section 5K2.0 was amended by Amendment 585 of the Sentencing Guidelines, which incorporated into the Guidelines the holding of the United States Supreme Court's decision in United States v. Koon, 518 U.S. 81 (1996). U.S.S.G. App. C, Amend. 585.

WHEREAS, Section 1B1.10 of the Sentencing Guidelines addresses the applicability of guideline amendments to persons serving imprisonment terms and provides, in pertinent part:

- (a) Where a defendant is serving a term of imprisonment, and the guideline range applicable to that defendant has subsequently been lowered as a result of an amendment to the Guidelines Manual listed in subsection (c) below, a reduction in the defendant's term of imprisonment is authorized under 18 U.S.C. § 3582(c)(2). If none of the amendments listed in subsection (c) is applicable, a reduction in the defendant's term of imprisonment under 18 U.S.C. § 3582(c)(2) is not consistent with this policy statement and thus is not authorized.

. . .

- (c) Amendments covered by this policy statement are listed in Appendix C as follows: 126, 130, 156, 176, 269, 329, 341, 371, 379, 380, 433, 454, 461, 484, 488, 490, 499, 505, 506, 516, 591, 599, and 606.

U.S.S.G. § 1B1.10 (Policy Statement).

WHEREAS, Amendment 585 is not listed in Section 1B1.10 of the Sentencing Guidelines as an appropriate basis for a reduction in defendant's term of imprisonment under 18 U.S.C. § 3582(c)(2).

THEREFORE, at Wilmington, this 24th day of January, 2001, for the aforementioned reasons,

IT IS ORDERED that defendant's motion (D.I. 23) is denied.

United States District Judge