IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

Plaintiff,

٧.

Crim. No. 18-29-LPS-1

CHRISTOPHER HURD,

Defendant.

ORDER

At Wilmington this **29th** day of **December, 2021**, having reviewed Defendant Christopher Hurd's Motion for Reduction in Sentence Pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) (D.I. 88), the government's response (D.I. 90), and Hurd's reply (D.I. 91), IT IS HEREBY ORDERED that Hurd's Motion (D.I. 88) is DENIED.

As an initial matter, the parties dispute whether Hurd's motion is properly before the Court, considering the Court's January 8, 2021 denial of Hurd's first motion to reduce his sentence to time served (D.I. 81). (Compare D.I. 90 ("This Court made no mention in its Order that Defendant could renew his motion at a later date.") with D.I. 91 (arguing that because first motion was "not denied with prejudice," Hurd can "bring the matter up at a later date" and instant motion is "a whole new motion," as it requests only 30-month reduction and presents new extraordinary and compelling circumstances)) The Court need not resolve this dispute and will proceed to the merits of the new motion.

The instant motion asserts substantially the same arguments as Hurd's first motion, and consequently suffers from the same deficiency. Hurd has failed to show his early release would not pose a danger to the community. In reaching the same conclusion with respect to Hurd's first

motion, the Court considered the nature of Hurd's underlying offense, including that Hurd "deliberately laced already-dangerous drugs . . . with even more dangerous substances," his extensive criminal history, and his record of "hostility towards probation officers and repeated violations of court-ordered supervision." (D.I. 87 at 3) These factors remain unchanged, relevant, and persuasive today. While the Court appreciates the impact Hurd's drug addiction may have had on his decision-making and commends Hurd for being "drug free for 47 months now" (D.I. 88 at 8), it is nevertheless not persuaded that Hurd would not pose a danger to society upon release.

HONORABLE LEONARD P. STARK UNITED STATES DISTRICT JUDGE