

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS**

**United States of America,**

**Plaintiff,**

**v.**

**Case No. 92-20063-02-JWL**

**Lealon Muldrow,**

**Defendant.**

**MEMORANDUM & ORDER**

This matter is before the court on Mr. Muldrow's pro se motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) in which Mr. Muldrow asks the court to reduce his sentence based on Amendment 782 to the United States Sentencing Guidelines.<sup>1</sup> The motion is dismissed as the court lacks the authority to revise Mr. Muldrow's sentence based on Amendment 782. Mr. Muldrow's base offense level as calculated in his presentence report was 38. Had Amendment 782 been in place at the time of Mr. Muldrow's sentencing, it would have lowered by two levels his base offense level to 36 rather than 38. However, Amendment 782 would have had no effect on the enhancements received by Mr. Muldrow—a 2-level enhancement for obstruction of justice and then 2-level enhancement for conducting drug activities near a school—which together would have brought his base offense level to 40. When combined with his criminal history category of V, an offense level of 40 would have resulted in a sentencing range of 360 months to life in prison—the same range as it was without application of

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<sup>1</sup> To the extent that Mr. Muldrow again seeks relief under Amendments 750, 591 and 706, the court has already rejected Mr. Muldrow's request for relief under those Amendments and he advances no persuasive arguments as to why the court's prior order should be reconsidered.

Amendment 782. Because Mr. Muldrow's guideline range is thus unchanged by application of Amendment 782, he is ineligible for relief § 3582(c)(2).

**IT IS THEREFORE ORDERED BY THE COURT THAT** Mr. Muldrow's motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) (doc. 231) is dismissed for lack of jurisdiction.

**IT IS SO ORDERED.**

Dated this 17<sup>th</sup> day of February, 2015, at Kansas City, Kansas.

s/ John W. Lungstrum

John W. Lungstrum

United States District Judge