

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

**UNITED STATES OF AMERICA,** )  
)  
**Plaintiff,** )  
)  
**vs.** ) **Case No. 99-40091-JAR**  
)  
**PAUL EDWARD DAVIS,** )  
)  
**Defendant.** )  
)

Before the Court is defendant Paul Edward Davis' *pro se* Motion under Rule 22 and Forma Pauperis Motion for Relief Under Newly Revised Retro Crack Law 1 and 18 (Doc. 125). Defendant's motion refers to the Fair Sentencing Act of 2010,<sup>1</sup> which reduces the sentencing ratio between crack and powder cocaine offenses from 100:1 to 18:1. But this statute contains no statement that it is intended to have retroactive effect, and the Tenth Circuit has recently observed that it is not retroactive.<sup>2</sup> Therefore, this statute does not apply to defendant's case because his crimes were committed before its enactment and defendant is not entitled to relief.

**IT IS SO ORDERED.**

<sup>2</sup>*United States v. Lewis*, –F.3d–, 2010 WL 4262020, at \*3 (10th Cir. Oct. 29, 2010).

Dated: November 12, 2010

S/ Julie A. Robinson  
JULIE A. ROBINSON  
UNITED STATES DISTRICT JUDGE