

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

Vs.

No. 00-40047-01-SAC

OLEGARIO AGUILAR,

Defendant.

MEMORANDUM AND ORDER

The case comes before the court on the defendant Olegario Aguilar's motion for a sentence reduction under 18 U.S.C. § 3582(c)(2) and Amendment 782. ECF# 67. Under § 3582(c)(2), a court may reduce a defendant's sentence if it first determines, as "a matter of law," that the reduction is "authorized" and then determines, as a "matter of discretion," that the reduction is "warranted." *United States v. White*, 765 F.3d 1240, 1245 (10th Cir. 2014), *cert. denied*, 574 U.S. 1101 (2015). The government does not oppose the defendant's motion. Mr. Aguilar has resumed serving his term of imprisonment in this case, and Amendment 782 subsequently lowered the applicable guideline range to 70-87 months. After considering the relevant factors under 18 U.S.C. § 3553(a), the court hereby grants the defendant's motion and reduces the sentence to 70 months, which is the corresponding bottom of the now applicable guideline range.

IT IS THEREFORE ORDERED that the defendant Aguilar's motion for a sentence reduction under 18 U.S.C. § 3582(c)(2) and Amendment 782 (ECF# 67) is

granted.

Dated this 9th day of December, 2020, Topeka, Kansas.

s/Sam A. Crow
Sam A. Crow, U.S. District Senior Judge