

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 06-10251-05-WEB
)	
CASSANDRA CHAPMAN,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

The Defendant filed a Motion pursuant to Title 18 U.S.C. § 3582(c)(2) and U.S.S.G. § 1B1.0 (Doc. 131) for a reduction of her sentence based on the Fair Sentencing Act of 2010. For the reasons set forth below, her motion is denied.

The Defendant plead guilty to distribution of cocaine base in violation of 21 U.S.C. § 841(a) and § 2. On April 8, 2009, the Defendant was sentenced to 46 months in the custody of the Bureau of Prisons.

The Defendant request a modification of her sentence pursuant to 18 U.S.C. § 3582(c)(2). Section 3582 only allows a court to modify a sentence of imprisonment in limited circumstances, which includes when the term of imprisonment has been lowered. 18 U.S.C. § 3582(c)(2). Congress enacted the Fair Sentencing Act of 2010, Pub. L. 111-220, 124 Stat. 2372 (August 2010) earlier this year. This Act reduces the crack / powder ratio to 18-1. The Tenth Circuit ruled that the Fair Sentencing Act of 2010 is not retroactive. See United States v. Lewis, __ F.3d__, 2010 WL 4262020 at *3, (10th Cir., October 29, 2010). Therefore, the relief requested, a reduction of her sentence based on the Fair Sentencing Act of 2010, is not available to the Defendant.

IT IS THEREFORE ORDERED the Defendant's Motion pursuant to Title 18 U.S.C. §

3582(c)(2) and U.S.S.G. § 1B1.0 (Doc. 131) be denied.

IT IS SO ORDERED this 8th day of December, 2010.

s/ Wesley E. Brown
Wesley E. Brown
United States Senior District Court Judge