

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

United States of America,

Plaintiff,

v.

Case No. 07-20007-01-JWL

Aaron Harris,

Defendant.

MEMORANDUM & ORDER

This matter is before the court on Mr. Harris's motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) in which Mr. Harris asks the court to reduce his sentence based on Amendment 782 to the United States Sentencing Guidelines. Over the government's objection, the motion is granted.

Mr. Harris received a low-end guideline sentence of 151 months consistent with the guideline range for imprisonment based on a total offense level of 33 and a criminal history category of II. Amendment 782 would reduce Mr. Harris's offense level to 31, warranting an amended guideline range of 121 to 151 months. While the government agrees that Mr. Harris is eligible for a two-level reduction in his base offense level, it objects to the reduction and urges the court to exercise its discretion to deny the reduction based on Mr. Harris' post-sentencing misconduct in prison. The court rejects this argument and concludes that Mr. Harris' post-sentencing misconduct should not prevent Mr. Harris from receiving the adjustment to which he is otherwise entitled. The Bureau of Prisons has adequate sanctions at its disposal to address violations, such as denial of good time and imposition of administrative segregation. In fact, the

record reflects that the BOP has punished Mr. Harris for his misconduct by reducing his good time credits.

IT IS THEREFORE ORDERED BY THE COURT THAT Mr. Harris's motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) (doc. 166) is **granted** and Mr. Harris's sentence is **reduced from 151 months to 121 months imprisonment**. All other provisions of the judgment dated May 2, 2008 shall remain in effect.

IT IS SO ORDERED.

Dated this 22nd day of April, 2015, at Kansas City, Kansas.

Effective Date: November 1, 2015.

s/ John W. Lungstrum
John W. Lungstrum
United States District Judge