

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

**United States of America,**

**Plaintiff,**

**v.**

**Case No. 07-20018-05-JWL**

**Leland Roebuck,**

**Defendant.**

**MEMORANDUM & ORDER**

Mr. Roebuck filed a motion pursuant to 18 U.S.C. § 3582(c) to modify his sentence pursuant to the retroactive application of Amendment 750, which modified the guidelines range for crack cocaine offenses. In November 2012, the court denied the motion after concluding that Mr. Roebuck's sentence was not "based on" the sentencing guidelines for crack cocaine within the meaning of *Freeman v. United States*, 131 S. Ct. 2685 (2011). Mr. Roebuck has now filed a motion for reconsideration of the court's order.

Grounds warranting a motion to reconsider "include (1) an intervening change in the controlling law, (2) new evidence previously unavailable, and (3) the need to correct clear error or prevent manifest injustice." *Devon Energy Prod. Co. v. Mosaic Potash Carlsbad, Inc.*, 693 F.3d 1195, 1212 (10th Cir. 2012) (quoting *Servants of Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2000)). Mr. Roebuck has not met this standard for relief. His motion simply rehashes arguments that Mr. Roebuck asserted—and the court rejected—in his initial motion to modify his sentence. In the absence of any argument or evidence that meets the standard for reconsideration, the court denies that motion.

**IT IS THEREFORE ORDERED BY THE COURT THAT** Mr. Roebuck's motion for reconsideration (doc. 386) is denied.

**IT IS SO ORDERED.**

Dated this 7<sup>th</sup> day of December, 2012, at Kansas City, Kansas.

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