

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CRIMINAL ACTION
)	
v.)	No. 07-20090-01-KHV
)	
STEVE LOGAN,)	
)	
Defendant.)	
_____)	

MEMORANDUM AND ORDER

On February 8, 2019, the Court overruled defendant’s pro se Motion For Sentence Reduction Under The Retroactive Application Of The Fair Sentencing Act [Of 2018] (Doc. #396) filed January 7, 2019. See Memorandum And Order (Doc. #397). On February 14, 2019, the Office of the Federal Public Defender entered an appearance. This matter is before the Court on defendant’s Motion To Reconsider (Doc. #399) filed February 20, 2019. The government originally opposed defendant’s motion to reconsider. See Government’s Response To Motion To Reconsider (Doc. #407) filed March 29, 2019.

On May 30, 2019, defendant filed an unopposed Motion To Withdraw First Step Act Motion Without Prejudice (Doc. #411). The government agreed to the request to withdraw the motion and also agreed that defendant would retain the right to refile his request for relief under the First Step Act at a later time. See id. at 1. Because the Court had already overruled his request for relief in the Memorandum And Order (Doc. #397) filed February 8, 2019, however, the Court overruled as moot defendant’s motion to withdraw. Even so, based on defendant’s unopposed request to withdraw his original motion, the Court permitted the parties to file supplemental memoranda on defendant’s motion to reconsider. In his supplemental

memorandum, defendant reasserts the grounds for relief in his original motion to reconsider. See Reply to Government's Response to Motion to Reconsider (Doc. #415) filed July 1, 2019. The government did not file a supplemental memorandum.

Because the government did not oppose defendant's request to withdraw without prejudice his request for a sentence reduction under the First Step Act, the Court finds that defendant's motion to reconsider should be sustained. The Court amends its Memorandum And Order (Doc. #397) filed February 8, 2019 to reflect that defendant's pro se Motion For Sentence Reduction Under The Retroactive Application Of The Fair Sentencing Act (Doc. #396) filed January 7, 2019 is dismissed without prejudice. Defendant retains the right to refile his request for relief under the First Step Act of 2018 at a later time.

IT IS THEREFORE ORDERED that defendant's Motion To Reconsider (Doc. #399) filed February 20, 2019 is **SUSTAINED**. **The Court hereby amends its Memorandum And Order (Doc. #397) to reflect that defendant's pro se Motion For Sentence Reduction Under The Retroactive Application Of The Fair Sentencing Act (Doc. #396) filed January 7, 2019 is **DISMISSED** without prejudice. Defendant retains the right to refile his request for relief under the First Step Act of 2018 at a later time.**

Dated this 22nd day of July, 2019 at Kansas City, Kansas.

s/ Kathryn H. Vratil
KATHRYN H. VRATIL
United States District Judge