

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

**United States of America,**

**Plaintiff,**

**v.**

**Case No. 07-20099-20-JWL**

**Mayra Vanessa Gandara Escarcega,**

**Defendant.**

**MEMORANDUM & ORDER**

This matter is before the court on Ms. Escarcega's pro se motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) in which Ms. Escarcega asks the court to reduce his sentence based on Amendment 782 to the United States Sentencing Guidelines. The motion is granted to the extent set forth below as Ms. Escarcega is entitled to a one-month reduction in his sentence.

Ms. Escarcega received a low-end guideline sentence of 121 months consistent with the guideline range for imprisonment based on a total offense level of 31 and a criminal history category of II. Amendment 782 would reduce Ms. Escarcega's offense level to 29, warranting an amended guideline range of 97 to 121 months. Nonetheless, while Ms. Escarcega is eligible for a two-level reduction in her base offense level, she remains subject to the mandatory minimum sentence of 120 months pursuant to 21 U.S.C. §§ 841(b)(1)(A). Thus, the court is only authorized to grant Ms. Escarcega a one-month reduction in her sentence, from 121 months to 120 months. The statutory mandatory minimum precludes the court from sentencing Ms. Escarcega to less than 120 months. *United States v. Randle*, 508 Fed. Appx. 766, 768 (10th Cir.

2013) (on § 3582(c) motion, district court has no authority or discretion to depart from a statutorily mandated minimum sentence).

**IT IS THEREFORE ORDERED BY THE COURT THAT** Ms. Escarcega's motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) (doc. 977) is **granted as described herein** and Ms. Escarcega's sentence is **reduced from 121 months to 120 months imprisonment**. All other provisions of the judgment dated November 30, 2009 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