

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

United States of America,

Plaintiff,

v.

Case No. 07-20099-02-JWL

Luis Arturo Castro-Quezada,

Defendant.

MEMORANDUM & ORDER

In July 2009, Luis Arturo Castro-Quezada pled guilty to conspiracy to distribute and possession with intent to distribute marijuana and cocaine and to money laundering. In the presentence investigation report, Mr. Castro-Quezada's base offense level was calculated as 36 under U.S.S.G. § 2D1.1 and he received a two-level enhancement as a result of the money laundering conviction; a three-level enhancement for his role in the offense; and a three-level reduction for acceptance of responsibility. Mr. Castro-Quezada's total offense level, then, was 38. However, because the parties had agreed to recommend a two-level enhancement for the defendant's role in the offense, rather than the three-level enhancement that the court determined was appropriate, the court honored the parties' agreement by granting a one-level downward variance, for a total offense level of 37. With a criminal history category of I, the resulting advisory sentencing range was 210 to 262 months imprisonment. The court imposed a low-end sentence of 210 months.

This matter is before the court on Mr. Castro-Quezada's motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) in which he asks the court to reduce his sentence based on

Amendment 782 to the United States Sentencing Guidelines which took effect on November 1, 2014 and lowers the base offense levels in the Drug Quantity Table. In his motion, Mr. Castro-Quezada acknowledges that the one-level variance cannot be considered in calculating an amended sentence and he requests a low-end sentence of 188 months utilizing the amended range (188 months to 235 months) that corresponds to an amended offense level of 36. The government does not oppose the motion and the record reflects that Mr. Castro-Quezada is entitled to a reduction. The court, then, will grant the motion and, consistent with its practice, will resentence Mr. Castro-Quezada to the low-end of the amended range as it did in connection with Mr. Castro-Quezada's original sentence.

IT IS THEREFORE ORDERED BY THE COURT THAT Mr. Castro-Quezada's motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) (doc. 988) is **granted** and Mr. Castro-Quezada's sentence is **reduced from 210 months to 188 months imprisonment**. All other provisions of the judgment dated November 2, 2009 shall remain in effect.

IT IS SO ORDERED.

Dated this 1st day of September, 2015, at Kansas City, Kansas.

Effective Date: November 1, 2015.

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