

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CRIMINAL ACTION
v.)	
)	No. 08-20160-08-KHV
FRANCISCO PEREA,)	
)	
Defendant.)	
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ORDER

On April 20, 2010, the Court sentenced defendant to 292 months in prison. This matter is before the Court on defendant’s Motion For Sentence Reduction Pursuant To Title 18 U.S.C. § 3582(c)(2) (Doc. #495) filed March 26, 2018. Defendant seeks relief under Amendment 782 to the United States Sentencing Guidelines (“U.S.S.G.”) which lowered the base offense levels for certain quantities in the Drug Quantity Table at U.S.S.G. § 2D1.1. As the Court explained in a prior order, defendant is not eligible for relief under Amendment 782 because his offense level remains the same under the amended guidelines. See Order (Doc. #438) filed December 8, 2015. In particular, defendant’s base offense level remains level 38 because the Court attributes at least 45 kilograms of methamphetamine to him. See Presentence Investigation Report (Doc. #288) ¶¶ 51-52 (estimated distribution of 47 kilograms, estimated purchases of 82.78 kilograms); U.S.S.G. § 2D1.1(c)(1) (Nov. 1, 2016 ed.) (base offense level of 38 for 45 kilograms or more of methamphetamine).

IT IS THEREFORE ORDERED that defendant’s Motion For Sentence Reduction Pursuant To Title 18 U.S.C. § 3582(c)(2) (Doc. #495) filed March 26, 2018 is **OVERRULED**.

Dated this 17th day of April, 2018 at Kansas City, Kansas.

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