

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CRIMINAL ACTION
v.)	
)	No. 09-20005-09-KHV
SECUNDINO ARIAS-GARCIA,)	
)	
Defendant.)	
_____)	

MEMORANDUM AND ORDER

This matter is before the Court on Defendant's Motion And Questionnaire For Reduction Of Sentence Pursuant To 18 U.S.C. § 3582(C)(2) (Doc. #1104) filed March 19, 2015. On March 16, 2010, the Court sentenced defendant to 210 months in prison for conspiracy to distribute and possess with intent to distribute more than 500 grams of methamphetamine. 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. Defendant is not eligible for relief under Amendment 782 because his offense level remains the same under the amended guidelines. In particular, defendant's base offense level remains level 38 because the Court attributes at least 5.2 kilograms of methamphetamine (actual) to him. See Presentence Investigation Report (Doc. #709) ¶ 100; U.S.S.G. § 2D1.1(c)(1) (Nov. 1, 2014 ed.) (base offense level of 38 for 4.5 kilograms or more of methamphetamine-actual). Accordingly, the Court overrules defendant's motion.

IT IS THEREFORE ORDERED that Defendant's Motion And Questionnaire For Reduction Of Sentence Pursuant To 18 U.S.C. § 3582(C)(2) (Doc. #1104) filed March 19, 2015 be and hereby is **OVERRULED**.

Dated this 13th day of April, 2015 at Kansas City, Kansas.

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