

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CRIMINAL ACTION
v.)	
)	No. 09-20005-08-KHV
JAVIER DOZAL,)	
)	
Defendant.)	
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MEMORANDUM AND ORDER

On June 8, 2010, the Court sentenced defendant to 151 months in prison based solely on the binding plea agreement under Rule 11(c)(1)(C). See Judgment In A Criminal Case (Doc. #873); Plea Agreement Pursuant To Fed. R. Crim. P. 11(c)(1)(C) (Doc. #603-1) filed January 28, 2010. On March 23, 2015, the Court overruled defendant's motion to appoint counsel to pursue a motion to reduce sentence under Section 3582(c)(2) because defendant is not eligible for relief. See Order (Doc. #1105). This matter is before the Court on defendant's Motion For Relief Under Amendment 782 (Doc. #1120) filed October 26, 2015. As noted in the Court's Order (Doc. #1105), defendant is not eligible for relief under 18 U.S.C. § 3582(c)(2) because the plea agreement called for a specific sentence and did not use or employ a guideline sentencing range. United States v. Graham, 704 F.3d 1275, 1278 (10th Cir. 2013). Accordingly, the Court overrules defendant's motion for relief under Amendment 782.

IT IS THEREFORE ORDERED that defendant's Motion For Relief Under Amendment 782 (Doc. #1120) filed October 26, 2015 be and hereby is **OVERRULED**.

Dated this 2nd day of November, 2015 at Kansas City, Kansas.

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