

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

MIGUEL BUGARIN (01),

Defendant.

Case No. 09-40064-01-DDC

MEMORANDUM AND ORDER

Defendant Miguel Bugarin asks the court to reduce his sentence under Amendment 782 to the United States Sentencing Guidelines and 18 U.S.C. § 3582(c)(2). *See* Doc. 48. The court lacks jurisdiction to do so.

On April 23, 2010, the court sentenced Mr. Bugarin to 120 months in prison—the minimum sentence mandated by statute. Almost five years later, on April 13, 2015, Mr. Bugarin asked the court to reduce his sentence under Amendment 782. *See* Doc. 44. When ruling on that motion, the court held that a statutory mandatory minimum sentencing provision controlled Mr. Bugarin’s sentence, and Amendment 782 did not alter that controlling statute. And so, the court concluded that it lacked jurisdiction to consider Mr. Bugarin’s motion to reduce his sentence. Doc. 46 at 2 (citing *United States v. Corber*, 596 F.3d 763, 768 (10th Cir. 2010) (denying sentence modification motion under § 3582(c)(2) when applicable sentencing provisions are unaffected by amendments to the Sentencing Guidelines)).

Mr. Bugarin again asks the court to reduce his sentence under Amendment 782. The same statutory mandatory minimum sentencing provision still controls his sentence so the court

adopts its previous reasoning on this topic and, once again, determines that it lacks jurisdiction to consider Mr. Bugarin's motion.

The court thus denies Mr. Bugarin's Motion for Reduction of Sentence Pursuant to 18 U.S.C. § 3582(c) (Doc. 48) for lack of jurisdiction.¹

IT IS SO ORDERED.

Dated this 6th day of June, 2018, at Topeka, Kansas.

s/ Daniel D. Crabtree
Daniel D. Crabtree
United States District Judge

¹ According to the Federal Bureau of Prisons Inmate Locator (found at <https://www.bop.gov/inmateloc/>), Mr. Bugarin was released from prison on April 18, 2018.