

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CRIMINAL ACTION
)	
v.)	No. 10-20001-01-KHV
)	
CHRIS A. ANDERSON,)	
)	
Defendant.)	
_____)	

MEMORANDUM AND ORDER

On June 29, 2010, defendant pled guilty to being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1) and knowingly renting, using and maintaining a residence for the purpose of unlawfully manufacturing and distributing cocaine and cocaine base in violation of 21 U.S.C. § 856(a)(1). On November 16, 2010, the Court sentenced defendant to 108 months in prison. This matter is before the Court on defendant's Request For Attorney (Doc. #57) filed July 5, 2012. Defendant argues that he needs an attorney to help him file a motion for relief based on the recent decision in Dorsey v. United States, 132 S. Ct. 2321 (June 21, 2012). Defendant is not entitled to relief under Dorsey because as explained in a prior order, the Fair Sentencing Act of 2010 had no effect on defendant's total offense level.¹ Accordingly, the Court declines to appoint counsel for

¹ Under both the 2009 and 2010 versions of the Sentencing Guidelines, defendant's base offense level was 36.

Under the 2010 Guidelines, the PSIR calculated defendant's base offense level of 36 as follows: offense level 32 based on 793.8 grams of cocaine base plus, plus two levels under Section 2D1.1(b)(1) for possession of a dangerous weapon, plus two levels under Section 2D1.1(b)(12) for maintaining a premise for the purpose of manufacturing or distributing a controlled substance.

Under the 2009 Guidelines (or under the 2007 Guidelines which were in effect at the time of the offense conduct), the Court calculates the same total base offense level of 36 as follows: offense level 34 based on 793.8 grams of cocaine base plus, plus two levels under Section

(continued...)

defendant to pursue a claim under the Fair Sentencing Act of 2010.

IT IS THEREFORE ORDERED that defendant's Request For Attorney (Doc. #57) filed July 5, 2012 be and hereby is **OVERRULED**.

Dated this 28th day of August, 2012 at Kansas City, Kansas.

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

¹(...continued)
2D1.1(b)(1) for possession of a dangerous weapon.