

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

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>CRIMINAL ACTION</b>
<b>v.</b>	)	
	)	<b>No. 10-20151-01-KHV</b>
<b>RAMON GIRON-ESPANA,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**ORDER**

Defendant's Motion For A Reduction Of Sentence (Doc. #196) filed February 6, 2015 is **SUSTAINED in part**. The Court reduces defendant's sentence from 121 months in prison (below the low end of the original guideline range) to 120 months in prison (the statutory mandatory minimum sentence). To the extent defendant seeks a further reduction of his sentence, the Court overrules his request. Because the government did not file a motion under 18 U.S.C. § 3553(e) at the time of the original sentencing, the Court may not impose a reduced sentence below the statutory minimum sentence. U.S.S.G. § 5K1.1, App. Note 1 (court may sentence defendant below statutory minimum sentence if circumstances set forth in 18 U.S.C. § 3553(e) are satisfied); see 18 U.S.C. § 3582(c)(2) (reduction must be consistent with applicable policy statements issued by Sentencing Commission); see also U.S.S.G. § 1B1.10(a)(3) (proceedings under Section 3582(c)(2) and policy statement do not constitute full resentencing).

**IT IS SO ORDERED.**

Dated this 17th day of February, 2015, at Kansas City, Kansas.

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