

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARY AMADOR,

Defendant.

Case No. 11-20132-01-CM

MEMORANDUM AND ORDER

This closed criminal case is before the court on defendant Mary Amador's pro se Petition for Modification of Sentence Pursuant to Post-Sentencing Rehabilitation in Light of *Pepper v. United States* (Doc. 312). Defendant asks the court to reduce her sentence based on her post-sentencing rehabilitation efforts. She attaches an inmate transcript detailing the various educational courses she has taken, as well as a confirmation certificate and a high school equivalency diploma.

The court commends defendant for pursuing education and rehabilitation while in prison. Unfortunately, these actions alone do not authorize the court to reduce her sentence. The court may only modify a sentence in specifically-authorized instances. *United States v. Blackwell*, 81 F.3d 945, 947 (10th Cir. 1996). 18 U.S.C. § 3582 provides three situations that may justify modification, but none of those circumstances applies here. *Pepper v. United States*, 131 S. Ct. 1229 (2011), also does not offer defendant relief. *Pepper* provides only that when an appellate court has set aside a sentence and remanded for resentencing, a district court may consider post-sentencing rehabilitation. 131 S. Ct. at 1241. It does not authorize the court to reduce a sentence absent an appellate remand. *See United States v. Jones*, 515 F. App'x 783, 783 (10th Cir. 2013).

Defendant did not appeal her sentence, and the case is not before the court on remand from the Tenth Circuit. For these reasons, the court lacks authority to reduce defendant's sentence on the grounds she offers.

IT IS THEREFORE ORDERED that defendant Mary Amador's Petition for Modification of Sentence Pursuant to Post-Sentencing Rehabilitation in Light of *Pepper v. United States* (Doc. 312) is denied.

Dated this 30th day of March, 2015, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge