

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

CARLOS NUNEZ,

Defendant.

Case No. 11-40047-04-JAR

ORDER

This matter is before the Court on Defendant Carlos Nunez’s Motion for Modification and Reduction of Sentence Pursuant to 18 U.S.C. § 3582(c) and Amendment 782 to the Sentencing Guidelines (Doc. 1029). On March 4, 2013, the Court sentenced Defendant to 120 months’ imprisonment based solely on the binding plea agreement under Fed. R. Crim. P. 11(c)(1)(C).¹ Defendant is not eligible for relief under § 3582(c)(2) because the plea agreement called for a specific, agreed-upon sentence that was not “based on a sentencing range that has been subsequently been lowered by the Sentencing Commission.”² Accordingly, the Court dismisses Defendant’s motion to reduce sentence for lack of jurisdiction.³

IT IS SO ORDERED.

Dated: December 3, 2015

S/ Julie A. Robinson
JULIE A. ROBINSON
UNITED STATES DISTRICT JUDGE

¹Docs. 553, 732.

²18 U.S.C. § 3582(c)(2); *United States v. Graham*, 704 F.3d 1275, 1278 (10th Cir. 2013).

³*United States v. Gray*, 15-3126, 2015 WL 6468029, at *4 (10th Cir. Oct. 27, 2015) (citing *United States v. White*, 765 F.3d 1240, 1250 (10th Cir. 2014)).