

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

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**FERNANDO OROZCO,**

**Defendant.**

**Case No. 12-20088-01**

**MEMORANDUM & ORDER**

This matter is before the court on defendant Fernando Orozco's pro se motion to reduce sentence pursuant to 18 U.S.C. § 3582(c)(2) (Doc. 59). Defendant seeks to reduce his sentence based on Amendment 782 to the United States Sentencing Guidelines, which took effect on November 1, 2014, and lowers the base offense levels in the Drug Quantity Table, U.S.S.G. § 2D1.1. On July 18, 2014, the United States Sentencing Commission voted to apply the amendment retroactively to those offenders currently in prison, but with a requirement that the reduced sentences cannot take effect until November 1, 2015.

Pursuant to § 2D1.1, the base offense level for defendant's conviction was reduced to 34. Defendant's final offense level is 31 after applying a three-level reduction for acceptance of responsibility. Defendant's conviction has a ten-year statutory minimum, resulting in a mandatory 120-month sentence. Defendant's criminal history score of I results reduces the sentencing range from 135–168 months to 120–135 months. The government does not oppose reducing defendant's sentence to the 120-month statutory minimum. The court therefore grants defendant's motion to reduce his sentence.

**IT IS THEREFORE ORDERED BY THE COURT** that defendant Fernando Orozco's Motion to Reduce Sentence Pursuant to 18 U.S.C. § 3582(c)(2) (Doc. 59) is granted.

**IT IS SO ORDERED.**

Dated February 28, 2018, at Kansas City, Kansas.

s/ Carlos Murguia  
**CARLOS MURGUIA**  
**United States District Judge**