

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 ROGELIO AMADA LAMAS,)
)
 Defendant.)
_____)

**Case No. 12-20119-02 (Criminal)
16-2139 (Civil)**

MEMORANDUM AND ORDER

This case is before the court on defendant Rogelio Amada Lamas’s Motion for Clarification of Scope of Resentencing (Doc. 252) asking the court to clarify whether it intends to impose a sentence of 183 months imprisonment or conduct a full resentencing hearing. Having considered the matter further, the court determines that no sentencing hearing is required. *See generally United States v. Davis*, 708 F. App’x 767, 769 (4th Cir. 2017) (the Fourth Circuit recognizes that a district court is authorized to conduct a resentencing in awarding relief under § 2255, but is not required to do so in every § 2255 motion). “[T]he goal of § 2255 review is to place the defendant in exactly the same position he would have been had there been no error in the first instance.” *Id.* (quoting *United States v. Hadden*, 475 F.3d 652, 665 (4th Cir. 2007)). Because the court can accomplish this goal with its order and an amended judgment, no hearing will be scheduled.

IT IS THEREFORE ORDERED that defendant’s Motion for Clarification of Scope of Resentencing (Doc. 252) is granted.

IT IS FURTHER ORDERED that defendant is sentenced to a term of 183 months—179 months on the conspiracy, plus 4 consecutive months under 18 U.S.C. § 3147—without a resentencing hearing.

Dated this 14th day of February, 2018, at Kansas City, Kansas.

/s/ Carlos Murguia

HON. CARLOS MURGUIA
United States District Judge