

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

HECTOR JAVIER VALDEZ,

Defendant.

Case No. 14-20096-08-JAR

MEMORANDUM AND ORDER

This matter comes before the Court on Defendant Hector Javier Valdez's *pro se* Motion to Reduce Sentence Pursuant to 18 U.S.C. § 3582(c)(2) and Amendment 782 to the United States Sentencing Guidelines (Doc. 533). The Court has reviewed Defendant's motion and the underlying proceedings and, as explained below, denies Defendant's request.

Amendment 782 became effective November 1, 2014, and generally reduces the base offense levels in the Drug Quantity Table in U.S.S.G. § 2D1.1 by two levels. On April 20, 2016, Defendant entered a plea of guilty to one count of conspiracy to distribute and possess with intent to distribute 50 grams or more of methamphetamine.¹ Defendant was held accountable for 4.5 kilograms of ICE methamphetamine, resulting in a base offense level of 38 under U.S.S.G. § 2D1.1(c)(1), pursuant to the 2015 U.S.S.G. manual.² On December 22, 2016, this Court sentenced Defendant to 235 months' imprisonment.³

¹Doc. 294.

²See Presentence Investigation Report, Doc. 387 at 15. Based on Defendant's criminal history category I, the resulting Guidelines range was 235–293 months.

³Judgment, Doc. 436; SOR, Doc. 437.

Defendant argues that he was sentenced under the “old” Guidelines and is entitled to a two-level base offense level reduction under Amendment 782. This argument is misplaced. Defendant was sentenced in 2016, after the amendment’s effective date, and the Guidelines manual in effect at the time of sentencing incorporates Amendment 782. Accordingly, Defendant has already received any benefit afforded by Amendment 782 and he is not entitled to further relief.

IT IS THEREFORE ORDERED BY THE COURT that Hector Javier Valdez’s Motion to Reduce Sentence under 18 U.S.C. § 3582(c)(2) and Amendment 782 to the United States Sentencing Guidelines (Doc. 533) is DENIED.

IT IS SO ORDERED.

Dated: June 14, 2018

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