

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 RICARDO FELIX-GAMEZ,)
)
 Defendant.)

Case No. 15-20042-02-CM

MEMORANDUM AND ORDER

This matter is before the court on Ricardo Felix-Gamez’s pro se motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) (Doc. 137). Mr. Felix-Gamez asks the court 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.

Mr. Felix-Gamez is not entitled to a sentence reduction because he was sentenced on November 12, 2016—well after Amendment 782 took effect. Therefore, Mr. Felix-Gamez already received the benefit of Amendment 782. In any event, Mr. Felix-Gamez entered into a binding plea agreement pursuant to Fed. R. Crim. P. 11(c)(1)(C), and the court therefore did not sentence him “based on a sentencing range that has subsequently been lowered by the Sentencing Commission” 18 U.S.C. § 3582(c)(1). Amendment 782 did not reduce the guideline range applicable in this case. The court therefore dismisses defendant’s motion for lack of jurisdiction. *United States v. White*, 765 F.3d 1240, 1250 (10th Cir. 2014).

IT IS THEREFORE ORDERED BY THE COURT that Ricardo Felix-Gamez’s motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) (Doc. 137) is dismissed for lack of jurisdiction.

Dated this 8th day of March, 2018, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge