IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA, *Plaintiff,* v. FREDERICK LOUIS MARTIN, *Defendant.*	Case No. 20-CR-10079-EFM

MEMORANDUM AND ORDER

This matter comes before the Court on pro se Defendant Frederick Louis Martin's Motion for Reduction of Sentence (Doc. 48). He contends that he is entitled to a sentence reduction under 18 U.S.C. § 3582(c)(2) and Amendment 821 to the United States Sentencing Guidelines. For the reasons stated in more detail below, the Court dismisses Defendant's motion.

I. Factual and Procedural Background

On May 21, 2021, Defendant entered a guilty plea under Fed. R. Civ. P. 11(c)(1)(C) to Count One of the Indictment, production of child pornography in violation of 18 U.S.C. § 2251(a). Under the plea agreement, the parties proposed a sentence within the range of 300 to 600 months. A Presentence Investigation Report ("PSR") was subsequently prepared. According to the PSR, Defendant's conviction resulted in a subtotal criminal history score of 6. Two additional status points were applied to the criminal history score pursuant to U.S.S.G. § 4A1.1(d) because

Defendant committed the offense while under a criminal justice sentence.[1] Thus, Defendant's criminal history score is 8, establishing a criminal history category of IV. However, because Defendant was deemed a repeat and dangerous sex offender against minors, his criminal history category was elevated to V pursuant to U.S.S.G. § 4B1.5(a)(2). On September 2, 2021, the Court sentenced Defendant to 300 months' imprisonment.

On June 22, 2026, Defendant filed this motion seeking a retroactive application of Part A of Amendment 821 to his sentence. The government opposes Defendant's motion.

II. Analysis

Pursuant to 18 U.S.C. § 3582(c)(2), a defendant may file his own motion for a sentence reduction provided certain factors are met.[2] Specifically, § 3582(c)(2) allows a court to reduce a term of imprisonment "in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. 994(o)" and after considering § 3553(a) factors so long as the reduction "is consistent with applicable policy statements."[3]

Effective November 1, 2023, the Sentencing Commission amended the United States Sentencing Guidelines as reflected in Amendment 821.[4] Part A of Amendment 821 limits the impact of criminal history points, or "status points," and subpart 1 of Part B of Amendment 821 creates a new guideline, § 4C1.1, that provides for a decrease of two offense levels for "Zero-Point

[1] *See* U.S.S.G. § 4A1.1(d) (U.S. Sent'g Comm'n 2018) (stating that a defendant will receive an additional two points if the defendant "committed the instant offense while under any criminal justice sentence").

[2] 18 U.S.C. § 3582(c)(2).

[3] *Id*.

[4] *See* 88 Fed. Reg. 28,254, 2023 WL 3199918 (May 3, 2023).

Offenders."[5] Relevant to this case, Part A of Amendment 821 limits the impact of "status points" if the instant offense was committed while under a criminal justice sentence.[6]

Defendant argues that his sentence should be reduced because he is eligible for a two-point reduction under Part A of Amendment 821 of the revised sentencing guidelines. He argues that the two-point reduction in status points changes his criminal history category from V to IV thereby reducing his sentence. Amendment 821, however, has no impact on Defendant's criminal history category. Because Defendant is a "repeat and dangerous sex offender against minors," his criminal history category remains V by application of the enhancement in U.S.S.G. § 4B1.5.

Additionally, Defendant's sentence cannot be reduced because he was sentenced to the mandatory minimum sentence of 300 months in accordance with 18 U.S.C. § 2251(a) and 2251(e).[7] Under U.S.S.G. § 1B1.10 app. note 1(A), a reduction in the defendant's term of imprisonment is not triggered under 18 U.S.C. § 3582(c)(2) where the amendment "does not have the effect of lowering the defendant's applicable guideline range because of the operation of another guideline or statutory provision (e.g., a statutory mandatory minimum term of imprisonment)." Accordingly, Amendment 821 does not afford Defendant the requested relief. The Court dismisses Defendant's motion.[8]

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[5] *See* https://www.ussc.gov/guidelines/amendment/821 (last visited Aug. 17, 2026); *see also* U.S.S.G. § 4A1.1; § 4C1.1.

[6] U.S.S.G. § 4A1.1.

[7] *See* 18 U.S.C. § 2251(a) (prohibiting the creation of a visual depiction of a minor engaging in sexually explicit conduct); § 2251(e) (setting a mandatory minimum penalty of 300 months for an individual with a prior conviction under § 2251).

[8] *See United States v. White*, 765 F.3d 1240, 1250 (10th Cir. 2014) (stating that a district court should dismiss for lack of jurisdiction if a defendant is ineligible for a sentence reduction under § 3582(c)(2)).

IT IS THEREFORE ORDERED that Defendant's Motion to Reduce Sentence (Doc. 48) is **DISMISSED**.

IT IS SO ORDERED.

Dated this 24th day of August, 2026.

ERIC F. MELGREN
UNITED STATES DISTRICT JUDGE