

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 21-10002-JWB

CARLOS GONZALES-RIVERA,

Defendant.

MEMORANDUM AND ORDER

This matter is before the court on Defendant's motion for a sentence reduction. (Doc. 26.) The motion is ripe for decision.¹ (Doc. 28.) The motion is DENIED for the reasons stated herein.

I. Analysis

Defendant moves for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) on the basis that Amendment 821 to the sentencing guidelines would result in a lower guideline range. "A district court does not have inherent authority to modify a previously imposed sentence; it may do so only pursuant to statutory authorization." *See United States v. Mendoza*, 118 F.3d 707, 709 (10th Cir. 1997). Section 3582 allows for a possible sentence reduction for 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." *See* 18 U.S.C. § 3582(c)(2). The Sentencing Commission amended the United States Sentencing Guidelines effective November 1, 2023. *See* 88 Fed. Reg. 28,254, 2023 WL 3199918 (May 3, 2023). Part A of Amendment 821 limits the criminal history impact of "status points."

¹ Defendant did not file a reply and the time for doing so has now passed.

Defendant argues that he was assessed two points for committing the offense while under a criminal justice sentence and that he would not have received these points as a result of the amendment. (Doc. 26 at 1.) Defendant is incorrect. Defendant did not receive any status points. (Doc. 22 at ¶¶ 51–52.) Therefore, the amendment to the guidelines would not impact Defendant's sentence.

II. Conclusion

Defendant's motion for a sentence reduction (Doc. 26) is DENIED. Defendant's request for counsel is also denied.

IT IS SO ORDERED. Dated this 28th day of March, 2024.

____s/ John Broomes_____
JOHN W. BROOMES
UNITED STATES DISTRICT JUDGE