

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

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|----------------------------------|---|---------------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| |) | |
| v. |) | |
| |) | CRIMINAL No. 2:04-CR-57-DBH-01 |
| LEROY MOSLEY, |) | |
| |) | |
| DEFENDANT |) | |

**ORDER ON DEFENDANT’S MOTION FOR APPOINTMENT
OF COUNSEL AND FOR SENTENCE REDUCTION**

The defendant Leroy Mosley has written a letter to the court about his sentence (ECF No. 264). I treat it as a request to appoint counsel and reduce sentence on account of the U.S. Sentencing Commission’s reduction of Guideline sentencing penalties that are based upon drug quantity, Amendment 782. The Commission ordered that the change be made applicable to defendants already sentenced, effective November 1, 2014. U.S. Sentencing Guidelines Manual app. C, Amendment 782 (2014); U.S. Sentencing Guidelines Manual § 1B1.10(d) (2014).

Unfortunately for Mr. Mosley, his sentence was based not upon the drug quantity for which he was responsible, but upon his status as a career offender. I explained that in detail in my Order of December 1, 2011 (ECF No. 225), issued on his motion to reduce sentence under an earlier Sentencing Commission amendment. The same reasoning applies to this request. The Guideline amendment therefore does not help him.

Accordingly the motions to appoint counsel and reduce sentence are
DENIED.

SO ORDERED.

DATED THIS 24TH DAY OF NOVEMBER, 2014

/s/D. BROCK HORNBY
D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE (PORTLAND)
CRIMINAL DOCKET No. 2:04-CR-57-DBH-01**

United States of America

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v.

**Leroy Mosley,
Defendant**

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