

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA,)	
)	
)	
v.)	CRIMINAL No. 2:12-CR-120-DBH
)	
SHAWN McKEOUGH,)	
)	
DEFENDANT)	

ORDER ON MOTION TO REDUCE SENTENCE

Based upon the retroactive drug calculation Guideline, which took effect November 1, 2014, the defendant Shawn McKeough has filed a motion seeking a reduction of his previously imposed sentence. U.S. Sentencing Guidelines Manual app. C, Amendment 782 (2014); U.S. Sentencing Guidelines Manual § 1B1.10(d) (2014).

At his sentencing in January, 2014, McKeough was held responsible for 59.1 grams of Oxycodone, which generated a base offense level (BOL) of 26. He then received a 2-level reduction for the safety valve and a 3-level reduction for accepting responsibility, resulting in a total offense level (TOL) of 21. He had a Criminal History Category I, making his guideline range 37 to 46 months. He was given a variant sentence of 30 months.

Under the newly amended drug calculations, McKeough's BOL is reduced to 24 and his TOL is reduced to 19. With his Criminal History Category I, this results in a revised guideline range for McKeough of 30 to 37 months.

Because the original sentence I imposed is at the low end of the revised guideline range, McKeough is not eligible for any further reduction. See U.S. Sentencing Guidelines Manual § 1B1.10(b)(2)(A) (“the court shall not reduce the defendant’s term of imprisonment . . . to a term that is less than the minimum of the amended guideline range”).

Therefore, the motion to reduce sentence is **DENIED**.

SO ORDERED.

DATED THIS 10TH DAY OF DECEMBER, 2014

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

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE (PORTLAND)
CRIMINAL DOCKET No. 2:12-CR-120-DBH**

United States of America

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v.

**Shawn McKeough,
Defendant**

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