

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
	)	
<b>v.</b>	)	<b>CRIMINAL No. 2:06-CR-62-DBH-02</b>
	)	
<b>MICHAEL LOVELY,</b>	)	
	)	
<b>DEFENDANT</b>	)	

**ORDER ON DEFENDANT’S MOTION FOR APPOINTMENT  
OF COUNSEL IN CONNECTION WITH SENTENCE REDUCTION**

The defendant Michael Lovely has submitted a letter requesting the appointment of counsel to see if he is eligible to receive a reduced sentence on account of the changes in the Sentencing Guidelines with respect to the effect of crack cocaine quantity on sentencing length.<sup>1</sup> Because I find that the defendant clearly does not qualify for the reduction and that the appointment of counsel would have no effect on my determination, I **DENY** the motion.

The changes to the Sentencing Guidelines do not benefit this defendant because he was sentenced as a career offender in 2006, not on account of his drug quantity. I denied his similar request in 2010 on that very basis. Order Adopting Report and Recommended Decision (ECF No. 134); Report and Recommended Decision as to Michael Lovely’s Mot. to Vacate, Set Aside, or Correct Sentence at 8–9 (ECF No. 133). It remains the case that a defendant

---

<sup>1</sup> The defendant does not refer to the most recent amendment, United States Sentencing Commission, Guidelines Manual, Supplement to App. C, Amendment 782, at 64-74 (Nov. 2014), but because he asks for “the 2 point reduction of sentence,” I treat him as doing so.

whose career offender status produced his Guideline sentencing range does not qualify for a sentence reduction on account of Guideline changes in drug quantity calculations. See United States v. Cardoso, 606 F.3d 16, 19 (1st Cir. 2010).

Accordingly the motion to appoint counsel is **DENIED**.

**SO ORDERED.**

**DATED THIS 5<sup>TH</sup> DAY OF MAY, 2015**

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

**U.S. DISTRICT COURT  
DISTRICT OF MAINE (PORTLAND)  
CRIMINAL DOCKET No. 2:06-CR-62-DBH-02**

**United States of America**

Represented By Craig M. Wolff  
Assistant United States Attorney  
Office of the United States Attorney  
District of Maine  
100 Middle Street Plaza  
Portland, ME 04101  
(207) 780-3257  
email: [craig.wolff@usdoj.gov](mailto:craig.wolff@usdoj.gov)

v.

**Michael Lovely,  
Defendant**

Represented By Michael Lovely, Pro Se  
No. 04801-036  
FCI Manchester  
PO Box 4000  
Manchester, KY 40962