

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA,)	
)	
v.)	
)	
NGHIA NGUYEN)	Docket no. 04-cr-136-P-S
)	
)	
Defendant.)	
)	

ORDER DENYING REQUEST FOR SENTENCE REDUCTION

Before the Court is a letter from the Defendant, dated January 28, 2008 (Docket # 487), which this Court has docketed and treated as a motion to appoint counsel and a motion to reduce sentence. Via this submission, Defendant seeks a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) and the recent amendments to the Sentencing Guidelines related to crack cocaine. The Government has filed its objection (Docket # 490). After reviewing the file, the Court has determined that this Defendant was sentenced to 188 months based, in part, on a finding that he was a Career Offender under USSG § 4B1.1. Because this career offender finding determined his offense level under the Guidelines, Defendant's sentence was not derived from or affected by a calculation of crack cocaine quantity and USSG § 2D1.1. Thus, the recent revisions pertaining to crack cocaine quantity do nothing to change the Defendant's Guideline range and do not provide a basis for the Court to reduce his sentence in accordance with 18 U.S.C. § 3582(c).

For this reason, the Court hereby DENIES Defendant's Motion.

SO ORDERED.

/s/ George Z. Singal
Chief U.S. District Judge

Dated this 19th day of February, 2008.

Defendant (1)

DOUGLAS LAFRANCE
TERMINATED: 12/15/2003

represented by **DOUGLAS LAFRANCE**
04359-036
FCI OTISVILLE
FEDERAL CORRECTIONAL
INSTITUTION
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PRO SE

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

21:841(a)(1):Distribution of a
substance containing cocaine base.
(1-3)

Disposition

The defendant is hereby committed to
the custody of the United States
Bureau of Prisons to be imprisoned
for a total term of 152 months on
each of counts 1,2,& 3 to be served
concurrently; Upon release from
imprisonment, the defendant shall be
on supervised release for a term of 6
years on each of Counts 1,2,& 3 to be
served concurrently; Special
Assessment of \$300; Fine is waived

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

None

Disposition

Plaintiff

USA

represented by **HELENE KAZANJIAN**
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ATTORNEY TO BE NOTICED