

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA,)	
)	
)	
v.)	
)	Docket no. 2:04-cr-93-GZS
LAWRENCE MAHER,)	
)	
)	
Defendant.)	
)	

ORDER ON MOTION TO MODIFY SENTENCE

Before the Court is a pro se motion by Defendant titled: “Motion Requesting to Modify an Imposed Term of Imprisonment Pursuant to 18 U.S.C. § 3582(c)(1)(B) Predicated Upon Another Modifying Statute (28 U.S.C. § 2255)” (Docket # 73).¹ 18 U.S.C. § 3582(c) does allow a court to modify a defendant’s sentence in specific enumerated circumstances, including when a motion requests modification pursuant to Federal Rule of Civil Procedure 35 or some other statute that “expressly permit[s]” sentence modification. 18 U.S.C. § 3582(c)(1)(B). However, nothing in Defendant’s pro se Motion or the record before the Court provides a basis for modification of the sentence imposed in this case pursuant to 18 U.S.C. § 3582(c)(1)(B). Therefore, the Court hereby DENIES the Motion (Docket # 73), including the request for an evidentiary hearing.

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 27th day of July, 2009.

¹ To the extent the Motion could be read as a petition under 28 U.S.C. § 2255, it has been docketed and ruled upon in Maher v. United States of America, Docket No. 2:09-cv-321-GZS. Thus, the sole purpose of this Order is determining whether Defendant is entitled to relief pursuant to 18 U.S.C. § 3582(c).

Defendant (1)

LAWRENCE MAHER

TERMINATED: 04/12/2005

represented by **LAWRENCE MAHER**

04545-036

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Retained

Pending Counts

NARCOTICS - SELL,
DISTRIBUTE, OR DISPENSE:
Possession with intent to distribute a
mixture or substance containing
cocaine, in violation of 21:841(a)(1).
(1)

Disposition

Two hundred and sixty-two (262)
months imprisonment, Six (6) years
supervised release, \$100.00 special
assessment.

Highest Offense Level (Opening)

Felony

Disposition

Terminated Counts

None

**Highest Offense Level
(Terminated)**

None

Complaints

21:841A=NP.F possession w/intent to
distribute cocaine, 21:841(a)(1)

Disposition

Plaintiff

USA

represented by **MICHAEL J. CONLEY**
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TERMINATED: 11/23/2004
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