

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA,)	
)	
)	
v.)	
)	Docket no. 2:04-cr-136-GZS
DUNG LE,)	
)	
)	
Defendant.)	
)	

ORDER ON MOTION FOR RELIEF UNDER 18 U.S.C. § 3582(C)(2)

Before the Court is a letter from Defendant (Docket # 530), which the Court treats as a Pro Se Motion for Relief under 18 U.S.C. § 3582(c)(2). 18 U.S.C. § 3582(c) does allow a court to modify a defendant’s sentence in specific enumerated circumstances, including when the defendant’s sentencing range has been lowered as a result of guideline amendments that are explicitly made retroactive in accordance with 28 U.S.C. § 994(o) &(u) and U.S.S.G. § 1B1.10. This Defendant previously has received a reduction pursuant to these provisions. (See Docket # 500.) To the extent he now seeks an additional reduction, neither the Fair Sentencing Act of 2010, Pub. L. No. 111-220, 124 Stat. 2372, nor the most recent related guideline amendments regarding crack cocaine quantities have been made retroactive. For this reason, the Court hereby DENIES Defendant’s request to file a motion for sentence reduction and an appointment of counsel to pursue such a motion.

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 22nd day of November, 2010.

Defendant (1)

DUNG LE

TERMINATED: 01/06/2006

represented by **DUNG LE**

04448-036

FCI COLEMAN MEDIUM

SATELLITE CAMP

PO BOX 1027

COLEMAN, FL 33521

PRO SE

MICHAEL WHIPPLE

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Pending Counts

NARCOTICS - SELL,
DISTRIBUTE, OR DISPENSE:
Conspiracy to Distribute and Possess
with Intent to Distribute 50 Grams or
More of a Substance Containing
Cocaine Base, Also Known as Crack,
in Violation of Title 21, U.S.C.
Sections 841(a)(1) and 846.
(1)

NARCOTICS - SELL,
DISTRIBUTE, OR DISPENSE:
Distribution of a Substance

Disposition

By Amend Order dated 3/3/2008 the
defendant's sentence is reduced to
135 Months of Imprisonment-
Original Sentence: 168 Months of
Imprisonment; 5 Years Supervised
Release; Special Assessment of \$100

Dismissed Upon Oral Motion by the
Government

Containing Cocaine Base, Also
Known as Crack Cocaine, and Aiding
and Abetting Such Conduct in
Violation of Violation of Title 21,
U.S.C. Section 841(a)(1) and Title
18, U.S.C. Section 2
(2-3)

NARCOTICS - SELL,
DISTRIBUTE, OR DISPENSE:
Distribution of 5 Grams or More of a
Substance Containing Cocaine Base,
Also Known as Crack Cocaine, and
Aiding and Abetting Such Conduct,
Violation of Title 21, U.S.C. Section
841(a)(1) and Title 18, U.S.C.
Section 2
(4)

Dismissed Upon Oral Motion by the
Government

NARCOTICS - SELL,
DISTRIBUTE, OR DISPENSE:
Distribution of 5 Grams or More of a
Substance Containing Cocaine Base,
Also Known as Crack Cocaine, and
Aiding and Abetting Such Conduct,
Violation of Title 21, U.S.C. Section
841(a)(1) Title 18, U.S.C. Section 2
(5-7)

Dismissed Upon Oral Motion by the
Government

NARCOTICS - SELL,
DISTRIBUTE, OR DISPENSE:
Possession with Intent to Distribute
50 Grams or More of a Substance
Containing Cocaine Base, Also
Known as Crack Cocaine, and Aiding
and Abetting Such Conduct in
Violation of Title 21, U.S.C. Section
841(a)(1) and Title 18, U.S.C.
Section 2.
(8)

Dismissed Upon Oral Motion by the
Government

NARCOTICS - SELL,
DISTRIBUTE, OR DISPENSE:
Distribution of a Substance
Containing Cocaine Base, Also
Known as Crack Cocaine, and Aiding
and Abetting Such Conduct in
Violation of Violation of Title 21,
U.S.C. Section 841(a)(1) and Title

Dismissed Upon Oral Motion by the
Government

18, U.S.C. Section 2
(9)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

None

Disposition

Material Witness

MONICA KING

TERMINATED: 07/22/2005

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Material Witness

MYMY TRAN

TERMINATED: 07/22/2005

represented by **GAIL M. LATOUF**
(See above for address)
TERMINATED: 08/26/2005
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Plaintiff

USA

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