UNITED STATES DISTRICT COURT

for the

Southern District of Indiana

United States of America
v.
Jesse Gutierrez

Case No: 2:03CR00015-002
USM No: 76307-198

Date of Original Judgment: 03/04/2005
Date of Previous Amended Judgment: _____
(Use Date of Last Amended Judgment if Any)

Pro Se
Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☑ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☑ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment *(as reflected in the last judgment issued)* of _____ months **is reduced to** _____ .

(Complete Parts I and II of Page 2 when motion is granted)

Mr. Gutierrez's sentence was a variance imposed pursuant to an 11(c)(1)(C) plea agreement; therefore, he is not eligible for a sentence reduction under Amendment 782.

A CERTIFIED TRUE COPY
Laura A. Briggs, Clerk
U.S. District Court
Southern District of Indiana
By _____ Deputy Clerk

Except as otherwise provided, all provisions of the judgment dated _____ shall remain in effect.

IT IS SO ORDERED.

Order Date: 6/14/2016

Effective Date: _____
(if different from order date)

LARRY J. McKINNEY, JUDGE
United States District Court
Southern District of Indiana

Distribution:

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