

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

APR 24 2008

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

v.

KEVIN H. POWELL,

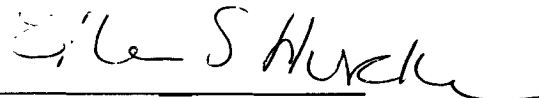
Defendant.

Criminal No. 05-0061 (ESH)

MEMORANDUM OPINION AND ORDER

On April 18, 2008, defendant Kevin H. Powell filed a *pro se* Motion to Reduce or Modify a Sentence Pursuant to 18 U.S.C. § 3582(c)(2). His arguments are the same as those which he previously raised in his Memorandum in Support of Defendant's Position with Respect to Resentencing and Remand, which was filed on November 30, 2007. However, as this Court explained in its Memorandum Opinion dated March 6, 2008, which denied defendant's motion, his sentence was established by statute and not the Sentencing Guidelines. "Powell was given the statutorily-required mandatory minimum sentences . . . the recent Guidelines amendments [do not have] any effect on the statutorily-required terms of incarceration." *U.S. v. Powell*, No. 05-CR-0061(ESH) (D.D.C. Mar. 6, 2008).

Therefore, the Court has *no* power to reduce or modify defendant's sentence, and his Motion to Reduce or Modify a Sentence Pursuant to 18 U.S.C. § 3582(c)(2) must be **DENIED**.



ELLEN SEGAL HUVELLE
United States District Judge

Date: April 23, 2008