

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.


RUSSELL CARLTON PALMER,

Defendant.

)  
)  
)  
) Criminal No. 07-207 (RJL)  
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)  
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FILED

FEB 26 2010

  
**MEMORANDUM ORDER**  
(February 25, 2010) [# 22]

~~NANCY MAYER WHITTINGTON, CLERK~~  
U.S. DISTRICT COURT

This matter comes before the Court on defendant Russell Palmer's motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c). In support of his motion, Palmer points to Amendment 706,<sup>1</sup> which reduced the base offense level for certain crimes involving crack cocaine.

Palmer's motion must be summarily denied. First, as the Government points out, he was sentenced *after* Amendment 706 was enacted. Indeed, Palmer was sentenced on May 8, 2008, while Amendment 706 became active roughly five months earlier. Therefore, Palmer cannot avail himself of 18 U.S.C. § 3582(c)(2), which allows for a sentence reduction only if the defendant was sentenced based on a range that was *subsequently* lowered by the Sentencing Commission. Moreover, Palmer was sentenced pursuant to a statutory mandatory minimum.

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<sup>1</sup> U.S.S.G. App'x C Supplement, Amendment 706 (Nov. 1, 2007).

Accordingly, he is “ineligible for relief under section 3582(c)(2).” *United States v. Cook*, --- F.3d ----, 2010 WL 481270 at \*6 (D.C. Cir. Feb. 12, 2010).

For these reasons, it is hereby

**ORDERED** that defendant’s Motion for Modification of Term of Imprisonment Under Title 18 U.S.C. Section 3582(c) and U.S.S.G. Section 1B1.10 [# 22] is DENIED.

**SO ORDERED.**

  
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RICHARD J. LEON  
United States District Judge