

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case No. 3:03cr00294(PCD)
	:	
Alberto CASTILLO	:	

**ORDER TO MOTION FOR RECONSIDERATION OF DEFENDANT’S MOTION TO
REDUCE SENTENCE**

The Defendant, Alberto Castillo, moved for Retroactive Application of Sentencing Guidelines to Crack Cocaine Offense in accordance with 18 U.S.C. 3582 [Doc. No. 59]. The Court denied that Motion [Doc. No. 65]. Defendant has moved for Reconsideration of Defendant’s Motion to Reduce Sentence [Doc. No. 67]. Defendant’s motion for reconsideration is **granted** and the Court’s previous order is **affirmed**.

Defendant’s motion for a sentence reduction pursuant to 18 U.S.C. 582(c)(2) would be revised where the sentence was “explicitly based on the crack cocaine guidelines.” See U.S. v. McGee, Docket No. 18-1619cr (2d Cir. 2008). Defendant’s sentence was a departure from his career offender guideline and was based on USSG 5H1.3, Defendant’s extraordinary mental and emotional conditions, and USSG 5K2.0, as Defendant was not more than a mid-level drug dealer. As his sentence was not explicitly based on the crack cocaine guidelines, he is ineligible to avail himself of 18 U.S.C. 3582(c)(2).

SO ORDERED.

Dated at New Haven, Connecticut, February 19, 2009.

/s/ _____
Peter C. Dorsey, U.S. District Judge

United States District Court