

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

UNITED STATES OF AMERICA	:	
	:	CIVIL ACTION NO.
v.	:	05-cr-0019 (JCH)
	:	
IGOR MALYAR	:	
	:	JULY 2, 2009

**RULING re: MOTION TO REDUCE SENTENCE (Doc. No. 175)**

**I. INTRODUCTION**

On December 15, 2005, Igor Malyar waived his right to indictment and entered a guilty plea to a two-count information to one count of Conspiracy to Commit Mail Fraud, Securities Fraud, and Money Laundering in violation of 18 U.S.C. § 371 and one count of Securities Fraud in violation of 15 U.S.C. §§ 77q(a) and 77x. Malyar was sentenced to 60 months of incarceration followed by 36 months of supervised release on May 6, 2008. On June 25, 2009, Malyar filed a motion to reduce his sentence with the court. For the reasons stated below, this motion is denied.

**II. ANALYSIS**

Once a term of imprisonment has been imposed, a court may modify that sentence only under certain conditions. Those conditions are: (1) if the Director of the Bureau of Prisons makes a motion to reduce the sentence; (2) if a defendant was sentenced using a guidelines range that the Sentencing Commission subsequently lowered; or (3) pursuant to the conditions laid out in Fed. R. Civ. P. 35. 18 U.S.C. § 3582(c). Rule 35 permits a court to correct a sentence that resulted from arithmetical, technical, or clear error within seven days of the sentencing. Fed. R. Civ. P. 35(a). Rule 35 also permits a reduction of sentence upon the government's motion (within one

year of sentencing) if the defendant provided substantial assistance in another investigation or prosecution. Fed. R. Civ. P. 35(b).

Malyar's Motion meets none of these conditions. Neither the government nor the Bureau of Prisons made the Motion. The Motion was made far more than seven days after the sentencing. Finally, Malyar does not contend that his sentence should be changed because of a revision in the Sentencing Guidelines. Because Malyar has not met any of the conditions under which a court may reduce a sentence, his motion is **DENIED.**

**SO ORDERED.**

Dated at Bridgeport, Connecticut this 2nd day of July, 2009.

/s/ Janet C. Hall  
Janet C. Hall  
United States District Judge