

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA

v.

JOSE SOSTRE

Crim. No. 3:12cr23 (JBA)

May 15, 2015

**RULING DENYING DEFENDANT'S MOTION FOR REDUCTION IN SENTENCE**

On June 25, 2012, Defendant Jose Sostre pled guilty [Doc. # 69] to conspiracy to distribute and to possess with intent to distribute 100 grams or more of heroin, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B), and 846. He was sentenced on November 28, 2012 to 120 months' imprisonment. He now moves [Doc. # 145], pursuant to 18 U.S.C. § 3582(c)(2), for a reduction in his sentence. For the following reasons, his motion is denied.

Under 18 U.S.C. § 3582(c)(2), "a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission" may move for a reduction in his sentence. Mr. Sostre contends that he is eligible for such a reduction based on Amendment 782 to the United States Sentencing Guidelines. That Amendment, effective November 1, 2014, reduced by two levels the offense levels assigned to the quantities of controlled substances that trigger the statutory mandatory minimum penalties in U.S.S.G. § 2D1.1 and made parallel changes to § 2D1.11.

However, as the Government notes in its opposition to Mr. Sostre's motion [Doc. # 147], Mr. Sostre's sentence was not determined by operation of § 2D1.1 or § 2D1.11.

