

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

UNITED STATES OF AMERICA

v.

CASE NO. 8:07-cr-535-T-26

ROBERT LEE PHILLIPS

ORDER

UPON FURTHER REFLECTION, it is **ORDERED AND ADJUDGED** that Defendant's *pro se* Motion for Sentence Reduction filed pursuant to 18 U.S.C. § 3582(c)(2) (Dkt. 47) is denied without prejudice. See United States v. Berry, 701 F. 3d 374, 377 (11th Cir. 2012) (stating that "[t]he problem for [Defendant] is the [the Fair Sentencing Act] is not a guidelines amendment by the Sentencing Commission, but rather a statutory change by Congress, and thus it does not serve as a basis for a § 3582(c)(2) sentence reduction in [Defendant's] case."). The Government's Motion for Extension of Time (Dkt. 49) is denied as moot. Additionally, the Government is relieved of the responsibility to respond to the motion.

DONE AND ORDERED at Tampa, Florida, on January 17, 2019.

s/Richard A. Lazzara

**RICHARD A. LAZZARA
UNITED STATES DISTRICT JUDGE**

COPIES FURNISHED TO:

All parties