

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

UNITED STATES OF AMERICA

v.

CASE NO. 8:09-cr-436-T-26TGW

PATRICK SAUNDERS
_____ /

ORDER

UPON FURTHER REFLECTION, it is **ORDERED AND ADJUDGED** that Defendant's *pro se* Motion for Modification Pursuant to Title 18 U.S.C. § 3582(c)(2) (Dkt. 50) 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 [Fair Sentencing Act] is not a guideline 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 is relieved of the responsibility of responding 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