

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA,

v.

CASE NO. 8:14-CR-515-T-17JSS

MOISES JARAMILLO DIAZ.

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ORDER

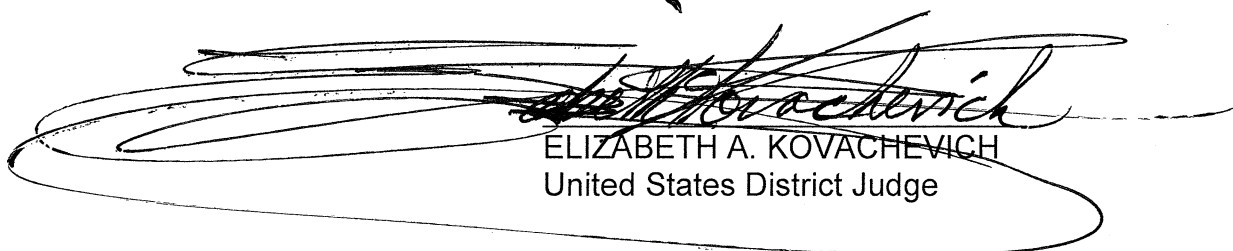
Before the Court is the Motion for Retroactive Application of Sentencing Guidelines Pursuant to Amendment 782 (the "**Motion**") (Dkt. 120). After review of the Motion, the Probation Memorandum (Dkt. 123), and Defendant's counsel's notices (Dkts. 125, 126), the Motion is **DENIED**.

Defendant Diaz was held responsible for 520 kilograms of cocaine. Amendment 782 does not have the effect of lowering the Defendant's base offense level. Therefore, the Motion should be denied. Defendant's counsel declined to file on Defendant Diaz' behalf because, given the drug amount attributed to him, the application of Amendment 782 does not have the effect of lowering the Defendant's base offense level. In addition, in determining the applicable guideline range, the 2014 Sentencing Guidelines were used, which incorporated all the benefits of Amendment 782.

The Court has reviewed the case file, and finds that due to the vast amount of cocaine attributed to Defendant Diaz, Amendment 782 does not have the effect of lowering Defendant's base offense level. Accordingly, the Motion is due to be **DENIED**.

Case No. 8:14-CR-515-T-17JSS

DONE and ORDERED in Chambers in Tampa, Florida on this 16th day of
October, 2018.



ELIZABETH A. KOVACHEVICH
United States District Judge

Copies to:

Counsel of Record
Unrepresented Parties