

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

CASE NO: 2:17-cr-87-FtM-38CM

SILA NUNEZ

ORDER¹

Before the Court is Defendant Sila Nunez's Motion for Sentence Reduction ([Doc. 95](#)) and the Government's response in opposition ([Doc. 98](#)). For the following reasons, the Court denies Nunez's motion.

The Court sentenced Nunez on March 19, 2018, to eighty-seven months imprisonment for conspiring to possess with the intent to distribute five kilograms or more of cocaine in violation of [21 U.S.C. § 841](#). ([Doc. 92](#)). She now requests the Court reduce her sentence under [18 U.S.C. § 3582\(c\)\(2\)](#), Amendment 782, and *Hughes v. United States*, [138 S.Ct. 1765 \(2018\)](#). A court may modify a defendant's term of imprisonment if the defendant was sentenced based on a sentencing range that the Sentencing Commission subsequently lowered. [18 U.S.C. § 3582\(c\)\(2\)](#). Here, Nunez is not eligible for a sentence reduction because the Court sentenced her under the 2016 Guidelines Manual that incorporated Amendment 782. Nunez has already received Amendment

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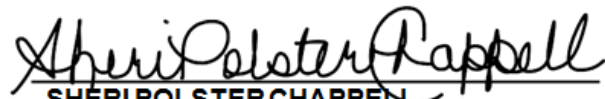
782's benefit when the Court sentenced her in March. See, e.g., [United States v. Glover](#), 686 F.3d 1203, 1206 (11th Cir. 2012) ("[A] court cannot use an amendment to reduce a sentence in a particular case unless that amendment actually lowers the guidelines range in that case."). And because the Court so recently sentenced Nunez with Amendment 782 applying, the [Hughes](#) case does not help her motion. The Court, therefore, denies Nunez's motion for a sentence reduction.

Accordingly, it is now

ORDERED:

Defendant Sila Nunez's Motion for Sentence Reduction ([Doc. 95](#)) is **DENIED**.

DONE AND ORDERED in Fort Myers, Florida on this 11th day of July 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: Counsel of Record