

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN A. BARNES,

Defendant.

Case No. 10-cr-30004-SMY

**ORDER**

This matter comes before the Court on counsel Todd M. Schultz's motion for leave to withdraw (Doc. 72) as counsel for defendant John A. Barnes.

On December 19, 2014, Defendant filed a *pro se* Motion for Reduction of Sentence pursuant to 18 U.S.C. section 3582(c)(2). (Doc. 71). Pursuant to Administrative Order 167, Todd M. Schultz entered his appearance on behalf of the Defendant. On December 22, 2014, Counsel filed a Motion to Withdraw as Attorney, citing to the fact that Defendant's Motion is not meritorious. (Doc. 72). Defendant filed a Response to Counsel's motion on January 14, 2015 arguing that the Amendment applies to career offenders.

The Amendment to the Sentencing Guidelines, Amendment 782, went into effect November 1, 2014 and applies retroactively. The Amendment generally reduces the offense level assigned to the drug quantities described in Sections 2D1.1 and 2D1.11. However, Defendant was sentenced as a career offender pursuant to section 4B1.1. *See* PSR, Transcript of Sentencing Hearing. While Defendant argues that he is eligible for relief, the Court finds that the language of the Amendment clearly does not apply to those sentenced as career offenders. Therefore, Defendant's guideline range remains unchanged, and he is ineligible for a sentence

reduction under the Amendment. Furthermore, the Court lacks jurisdiction to grant any such relief. *United States v. Forman*, 553 F.3d 585, 588-590 (7th Cir. 2009). As there is no non-frivolous basis for seeking relief, Counsel's Motion to Withdraw (Doc. 72) is GRANTED, Attorney Robert Herman's Motion to Withdraw (Doc. 70) is GRANTED, Defendant's Pro Se Motion for Reduction of Sentence (Doc. 71) is DENIED, and Defendant's Motion to Reduce Sentence (Doc. 69) is DENIED.

**IT IS SO ORDERED.**

**DATED: January 16, 2015**

s/ Staci M. Yandle  
**STACI M. YANDLE**  
**DISTRICT JUDGE**