

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS**

United States of America,

Plaintiff,

v.

Case No. 07-20099-16-JWL

Cesar Osbaldo Armendariz Soto,

Defendant.

MEMORANDUM & ORDER

In August 2009, Cesar Osbaldo Armendariz Soto pled guilty to, among other crimes, conspiracy to distribute and possession with intent to distribute marijuana and cocaine and knowingly using a firearm in furtherance of drug trafficking activities. Mr. Armendariz Soto's total offense level was calculated as 42. With a criminal history category of I, the resulting advisory sentencing range was 360 months to life imprisonment. The court imposed a sentence of 420 months, which included the mandatory 60-month consecutive sentence for the § 924(c) violation.

This matter is before the court on Mr. Armendariz Soto's motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) in which he asks the court to reduce his sentence based on Amendment 782 to the United States Sentencing Guidelines which took effect on November 1, 2014 and lowers the base offense levels in the Drug Quantity Table. Under the

amended guidelines, Mr. Armendariz Soto's total offense level is 40. With a criminal history category of I, his amended guideline range is 292 months to 365 months imprisonment. In his motion for reduction, Mr. Armendariz Soto requests that the court resentence him to 292 months imprisonment, the low end of the range, with the understanding that the 60-month consecutive sentence on the firearm conviction must remain in place. The government does not oppose the motion. Because the government does not oppose, and because the record otherwise indicates that a reduction is authorized and warranted, the court, consistent with its practice, will resentence Mr. Armendariz Soto to the low-point of the amended range as it did in connection with Mr. Armendariz Soto's original sentence.

IT IS THEREFORE ORDERED BY THE COURT THAT Mr. Armendariz Soto's motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) (doc. 1001) is **granted** and Mr. Armendariz Soto's sentence on Counts 1, 10 and 15 is **reduced from 360 months to 292 months imprisonment for a total controlling term of 352 months**. All other provisions of the judgment dated November 15, 2010 shall remain in effect.

IT IS SO ORDERED.

Dated this 28th day of October, 2015, at Kansas City, Kansas.

Effective Date: November 1, 2015.

s/ John W. Lungstrum
John W. Lungstrum
United States District Judge