

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
) CR. NO. 94-10305-MLW
)
)
JOSE GUZMAN)
)

MEMORANDUM AND ORDER

WOLF, D.J.

March 17, 2008

Defendant Jose Guzman is serving a 210 month sentence for, among other things, conspiring to possess cocaine base with intent to distribute it. As a result of Amendment 706 to the United States Sentencing Guidelines ("U.S.S.G."), which generally retroactively reduces by two levels the offense level for crimes involving crack cocaine and became effective March 3, 2008, Guzman moved for a reduction of his sentence pursuant to 18 U.S.C. §3582(c)(2) and U.S.S.G. §2B1.10 (the "Motion"). As Guzman is indigent, counsel was appointed to represent him. The government has responded to the Motion.

The government correctly acknowledges that Guzman is eligible for a reduction of his sentence. It also asserts that no hearing is necessary or appropriate. See Fed. R. Crim. P. 43(b)(4) (stating that defendant need not be present for a reduction of sentence under 18 U.S.C. § 3582(c)). The government recommends that Guzman receive the full benefit of the retroactive amendment because "neither considerations of public safety, nor defendant's conduct while in the custody of the Bureau of Prisons, warrants

