

1 Therefore, the court hereby vacates its original order insofar as it required the Federal Public
2 Defender's Office to participate in a meet and confer.

3 Section 3582(c)(2) provides that [t]he court may not modify a term of imprisonment once it
4 has been imposed except that . . . in the case of a defendant who has been sentenced to a term of
5 imprisonment based upon a sentencing range that has subsequently been lowered by the Sentencing
6 Commission" Ailemen's sentencing range has not been lowered because his base level offense
7 under 18 U.S.C. § 848 (Continuing Criminal Enterprise) remains at level 38. *See United States v.*
8 *Leniear*, 574 F.3d 668, 673 (9th Cir. 2009).

9 By letter dated February 15, 2015 and in his response to the Probation Office's Report,
10 Ailemen asks that the court grant him relief based upon his Post Conviction Rehabilitation effort
11 over his approximately nineteen years of incarceration. Although the court is sympathetic to his
12 request, the court is not empowered to grant the relief requested.

13 For the reasons stated, Ailemen's Motion to Reduce His Sentence Based Upon Guideline
14 Amendment is denied. His Motion for Relief for Post Rehabilitation is also denied.

15 DATED: May 13, 2015

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18 RONALD M. WHYTE
19 United States District Judge
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Copy of Order Mailed on 5/14/15 to:

Pius Ailemen
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Northeast Ohio Correctional Center
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Pro Se Defendant