

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION AT ASHLAND

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|-------------------------|---|-------------------------------|
| ROBERT LEN TAYLOR, JR., |) | |
| |) | |
| Petitioner, |) | Civil Action No. 15-CV-18-HRW |
| |) | |
| v. |) | |
| |) | |
| JODIE L. SNYDER-MORRIS, |) | ORDER AMENDING |
| Warden, |) | MEMORANDUM OPINION |
| |) | AND ORDER |
| |) | |
| Respondent. |) | |

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The Court has entered a Memorandum Opinion and Order denying the *pro se* 28 U.S.C. § 241 petition for writ of habeas corpus filed by Richard Len Taylor, Jr.¹ This Order **AMENDS** that Memorandum Opinion and Order in one respect.

As the Memorandum Opinion and Order correctly explains, Taylor pleaded guilty to and was convicted of: (1) conspiracy to possess methamphetamine with intent to distribute in violation of 21 U.S.C §§ 841(a) and 846, **and** (2) using a carrying a firearm during and in relation to a drug trafficking crime in violation of 18 U.S.C.A. §§ 924(c)(1)(A), in the United States District Court of the Western District of North Carolina. *See United States v. Richard Len Taylor, Jr.*, No. 5:04-

¹ Taylor is an inmate confined by the Bureau of Prisons in the Federal Correctional Institution Ashland located in Ashland, Kentucky.

CR-28-RLV-CH-2 (W.D.N.C. 2004). On August 30, 2006, that court sentenced Taylor to a 262-month prison term on Count One (conspiracy to possess methamphetamine with intent to distribute) and to a consecutive 60-month term on Count Five (using and carrying a firearm during and in relation to a drug trafficking crime and aiding and abetting), resulting in a total prison term of 322 months. [*Id.*, R. 183, “Amended Judgment in a Criminal Case,” at pp. 1-2].

In the Memorandum Opinion and Order denying Taylor’s § 2241 petition, the Court stated that the 322-month sentence which Taylor is currently serving had been enhanced pursuant to the provisions of the Armed Career Criminal Act (“ACCA”), 18 U.S.C.A. §§ 924(c)(1)(A) and 924(e)(1). The Court correctly stated that the 60-month consecutive portion of Taylor’s sentence (imposed for his offense carrying a firearm during and in relation to a drug trafficking crime and aiding and abetting) did in fact fall under the ACCA, specifically, 18 U.S.C.A. § 924(c)(1)(A). However, it appears from Taylor’s § 2241 petition [D. E. No. 1, p. 4-5, ¶ 10] that his 262-month sentence imposed on Count One (conspiracy to possess methamphetamine with intent to distribute) was enhanced under the Federal Sentencing Guidelines in place at the time that Taylor was sentenced, **not** under 18 U.S.C.A. § 924(e)(1)(A), which applies to persons classified as *armed* career criminals because they have violated 18 U.S.C. § 922(g) and are thus

subject to a 15-year mandatory minimum sentence based on their status as armed career criminals.

The Court therefore **AMENDS** its previously entered Memorandum Opinion and Order denying Taylor's § 2241 petition to clarify any confusion that might result from its reference to the ACCA and/or 18 U.S.C. § 924(e)(1). The Court emphasizes that this amendment does *not* change, alter, or modify either the analyses employed or the results reached in the Memorandum Opinion and Order denying the § 2241 petition filed by Richard Len Taylor, Jr.

Accordingly, it hereby **ORDERED** as follows:

(1) The Memorandum Opinion and Order denying the 28 U.S.C. § 2241 petition filed by Richard Len Taylor, Jr., is **AMENDED** to reflect that Taylor's 262-month sentence imposed on Count One (conspiracy to possess methamphetamine with intent to distribute) was enhanced under the Federal Sentencing Guidelines in place at the time that Taylor was sentenced, **not** under 18 U.S.C.A. § 924(e)(1)(A), which applies to persons who are classified as *armed* career criminals who have violated 18 U.S.C. § 922(g) and are to subject a 15-year mandatory minimum sentence.

(2) The amendment described in the preceding paragraph does not change, alter, or modify either the analyses employed or the results reached in the

Memorandum Opinion and Order denying the 28 U.S.C. § 2241 petition filed by Richard Len Taylor, Jr. [D. E. No. 1].

This May 15, 2015.



Signed By:

Henry R. Wilholt, Jr.

United States District Judge