

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

THOMAS E. CARTER

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Criminal No. AMD-00-0100

Civil No. – JFM-14-1817

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**MEMORANDUM**

Thomas E. Carter has filed a “Motion To Have Heart New Substantive Rule Per The Court’s Discretion.” The motion is denied.

Carter asserts that he was improperly sentenced under the murder cross-reference of Sentencing Guideline 2D1.1(d)(1). This issue was considered by the Fourth Circuit on direct appeal. To the extent that *Alleyne v. United States*, 133 S. Ct. 2151 (2013) applies retroactively to motions for collateral review, it does not apply because Carter was convicted of possessing with the intent to distribute 50 grams or more of crack cocaine and, at the time of his conviction, the statutory maximum was life imprisonment. 21 U.S.C. § 841(b)(1)(A). Therefore, *Alleyne* is not applicable.

Date: August 12, 2014

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/s/  
J. Frederick Motz  
United States District Judge