

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

| | | |
|---------------------------|---|----------------------|
| ALISHA PORTER, |) | |
| |) | |
| Movant, |) | |
| |) | |
| v. |) | No. 1:16-CV-239 SNLJ |
| |) | |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Respondent. |) | |

MEMORANDUM AND ORDER

This matter is before me on the motion of Alisha Porter to vacate, set aside, or correct sentence under 28 U.S.C. § 2255. Movant argues that his sentence should be reduced because of Amendment 794 to the United States Sentencing Guidelines, which clarified the meaning of “minor role” reductions in § 3B1.2.

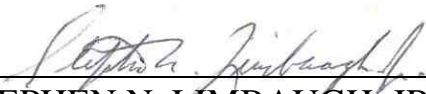
The requested relief is not cognizable in a § 2255 motion. The only way to seek relief based on a change to the Guidelines is in a motion pursuant to 18 U.S.C. § 3582(c)(2). As a result, I will order the Clerk to administratively terminate this action and to file the motion to vacate as a motion under § 3582(c)(2) in the underlying criminal action. The government must file its response in that case.

Accordingly,

IT IS HEREBY ORDERED that the Clerk is directed to **ADMINISTRATIVELY TERMINATE** this action and to file movant’s motion

to vacate as a motion under 18 U.S.C. § 3582(c)(2) in United States v. Porter, No. 1:13-CR-98 SNLJ.

Dated this 17th day of October, 2016.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE