

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

MONTRAIL AUSTIN,)	
)	
Movant,)	
)	
v.)	No. 4:16-CV-1420 RWS
)	
UNITED STATES OF AMERICA,)	
)	
Respondent,)	

MEMORANDUM AND ORDER

This matter is before me on the motion of Montrail Austin 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 § 3B1.1.

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. Austin*, No. 4:14-CR-133 RWS.

Dated this 30th day of September, 2016.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE