

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MIGUEL ANGEL GRACIA VALENZUELA,

Plaintiff,

v.

Case No. 15-C-1029

UNITED STATES OF AMERICA,

Defendant.

ORDER FOR DISMISSAL

Defendant Miguel Angel Gracia Valenzuela has filed a motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255. In essence, however, the motion is for a sentence reduction pursuant to 18 U.S.C. § 3582 based upon the amendments to the United States Sentencing Guidelines reducing by two levels the offense severity score for drug offenses. Valenzuela filed a similar motion in the underlying criminal case, 10-CR-0063, on November 20, 2014, and his motion was denied by order of May 8, 2015. For the same reason, the motion seeking relief under 28 U.S.C. § 2255 will be denied as well. Valenzuela was sentenced to 120 months for conspiracy to distribute controlled substances. The 120-month sentence was the mandatory minimum that the Court could impose under 21 U.S.C. § 841(a)(1)(b)(1)(A). The change in the Guidelines did not change the law governing mandatory minimum sentences. For this reason, Valenzuela is not entitled to relief under § 2255. Accordingly, his motion to vacate is denied and the action is dismissed. The Clerk shall enter judgment forthwith.

SO ORDERED this 26th day of August, 2015.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court