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MANUEL GAUNA

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. MANUEL GAUNA, Defendant.	No. Cr. S 2:07-cr-248 WBS **2nd AMENDED STIPULATED MOTION AND [~~lodged~~] ORDER TO REDUCE SENTENCE PURSUANT TO 18 U.S.C. § 3582(c)(2)** RETROACTIVE DRUGS-MINUS-TWO REDUCTION CASE Judge: Honorable WILLIAM B. SHUBB

Defendant, MANUEL GAUNA, by and through his attorney, Assistant Federal Defender Hannah R. Labaree, and plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Assistant U.S. Attorney Jason Hitt, hereby stipulate as follows:

1. Pursuant to 18 U.S.C. § 3582(c)(2), this Court may reduce the term of imprisonment in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 994(o);

2. On April 19, 2010 this Court sentenced Mr. Gauna to a term of 262 months imprisonment;

3. His total offense level was 35, his criminal history category was V, and the resulting guideline range was 262 to 327 months;

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4. The sentencing range applicable to Mr. Gauna was subsequently lowered by the United States Sentencing Commission in Amendment 782, made retroactive on July 18, 2014, see 79 Fed. Reg. 44,973;

5. Mr. Gauna's total offense level has been reduced from 35 to 33, and his amended guideline range is 240 to 262 months after operation of the statutory mandatory minimum;

6. Accordingly, the parties request the Court enter the order lodged herewith reducing Mr. Gauna's term of imprisonment to a total term of 240 months. The parties agree that the requested sentence is fair and appropriate pursuant to 18 U.S.C. § 3553(a).

Respectfully submitted,

Dated: December 8, 2015

BENJAMIN B. WAGNER
United States Attorney

/s/ Jason Hitt
JASON HITT
Assistant U.S. Attorney

Attorney for Plaintiff
UNITED STATES OF AMERICA

Dated: December 8, 2015

HEATHER E. WILLIAMS
Federal Defender

/s/ Hannah Labaree
HANNAH R. LABAREE
Assistant Federal Defender

Attorney for Defendant
MANUEL GAUNA

ORDER

This matter came before the Court on the stipulated motion of the defendant for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2).

The parties agree, and the Court finds, that Mr. Gauna is entitled to the benefit Amendment 782, which reduces the total offense level from 35 to 33, resulting in an amended guideline range of 240 to 262 months after operation of the statutory mandatory minimum.

IT IS HEREBY ORDERED that the term of imprisonment imposed in April 2010 is reduced to a term of 240 months, a sentence that is fair and reasonable pursuant to 18 U.S.C. § 3553(a).

IT IS FURTHER ORDERED that all other terms and provisions of the original judgment remain in effect. The clerk shall forthwith prepare an amended judgment reflecting the above reduction in sentence, and shall serve certified copies of the amended judgment on the United States Bureau of Prisons and the United States Probation Office.

Unless otherwise ordered, Mr. Gauna shall report to the United States Probation Office within seventy-two hours after his release.

Dated: May 13, 2016

WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE