

**THE UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS**

**United States of America,**

**Plaintiff,**

**v.**

**Case No. 05-20017-02-JWL**

**Miguel Romero,**

**Defendant.**

**MEMORANDUM & ORDER**

A jury convicted defendant Miguel Romero of multiple drug crimes, including conspiracy to distribute more than 50 grams of methamphetamine and distribution of methamphetamine. At the time of Mr. Romero's sentencing, the Guidelines as applied to Mr. Romero provided for a base offense level of 38, an adjusted offense level of 43, a criminal history category of IV, and a resulting advisory Guidelines range of life imprisonment. The court ultimately sentenced Mr. Romero to three terms of life imprisonment; one term of ten years; and two terms of four years to run concurrently. Mr. Romero appealed, and the Tenth Circuit affirmed his conviction and sentence. *United States v. Romero*, 516 F.3d 884 (10th Cir. 2008).

In 2015, Mr. Romero filed a motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) based on Amendment 782 to the United States Sentencing Guidelines. Under the amended guidelines, Mr. Romero's base offense level for the same drug quantities was 36 and his adjusted offense level was 41. With a criminal history category of IV, his applicable guideline range became 360 months to life imprisonment and Mr. Romero sought a reduction to

360 months. The court denied the motion, recognizing that Mr. Romero was eligible for a reduction but concluding that a reduction was not warranted and that several factors supported the imposition of a high-end sentence in the amended range. The Circuit affirmed that decision. *United States v. Verdin-Garcia*, 824 F.3d 1218 (10th Cir. 2016).

In April 2022, the court denied Mr. Romero's renewed motion for a sentence reduction pursuant to Amendments 782 and 788 after concluding that a life sentence remained appropriate under § 3553(a) despite Mr. Romero's rehabilitative efforts while in custody and despite his assertion that a 360-month sentence is sufficient punishment for his conduct. Mr. Romero appealed that decision and his appeal remains pending with the Tenth Circuit.

This matter is now before the court on Mr. Romero's request for discovery and documents (doc. 510) that Mr. Romero believes will be pertinent "if the Court finds that a reduction of sentence is warranted." Because there is no motion currently pending before the court requesting a reduced sentence, the motion is denied. And to the extent Mr. Romero is asking the court yet again to reduce his sentence or asking the court to revisit this issue in light of discovery that Mr. Romero desires to obtain, defendant's previously filed notice of appeal has divested the court of jurisdiction to consider those matters. Fed. R. Crim. P. 37(a).

**IT IS THEREFORE ORDERED BY THE COURT THAT** defendant's "discovery/request for identification of documents used by the court and/or government" (doc. 510) is **denied**.

**IT IS SO ORDERED.**

Dated this 21st day of March, 2023, at Kansas City, Kansas.

s/John W. Lungstrum  
HON. JOHN W. LUNGSTRUM  
United States District Judge