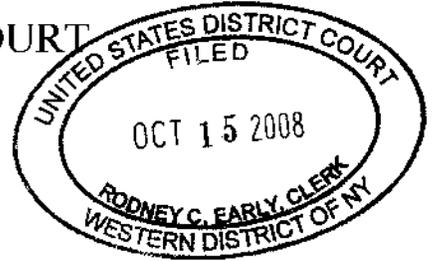


UNITED STATES DISTRICT COURT

for the

Western District of New York



United States of America)

v.)

ABDUL RASHEED)

Case No: 03-CR-6175L

USM No: 12165-055

Date of Previous Judgment: February 26, 2004)

(Use Date of Last Amended Judgment if Applicable))

MaryBeth Covert, AFPD

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of [X] the defendant [] the Director of the Bureau of Prisons [] the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

[X] DENIED. [] GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 15 Amended Offense Level: 13
Criminal History Category: IV 90 Criminal History Category: IV 90
Previous Guideline Range: _____ to 97 months Amended Guideline Range: 84 to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- [X] The reduced sentence is within the amended guideline range.
[] The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
[X] Other (explain): Defendant's prior sentence of 90 months was pursuant to a plea agreement with an agreed upon sentence pursuant to FED. R. CRIM. P. 11(c)(1)(C). The 90 month sentence is within the Amended Guideline range. I decline to reduce it. Since defendant was sentenced, he was convicted in a New York State Court of assault in the first degree and received a sentence of 10 years imprisonment. In addition, the Memorandum from the Probation Department indicated that Rasheed has had numerous disciplinary infractions while in the Bureau of Prisons, including assault, possession of a dangerous weapon and the use of drugs.

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 2/26/04 shall remain in effect.

IT IS SO ORDERED.

Order Date: October 15, 2008

Signature of David G. Larimer

Effective Date: _____ (if different from order date)

David G. Larimer - United States District Judge
Printed name and title