

96CV4465-ILG-MO

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WILLIE GOLDWIRE,

Petitioner,

MEMORANDUM & ORDER

v.

96-CV-4465(ILG)

UNITED STATES OF AMERICA,

Respondent.
-----X

GLASSER, United States District Judge:

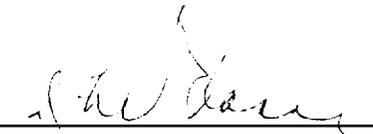
On September 11, 1996, petitioner Willie Goldwire ("Goldwire") moved this Court, pursuant to 18 U.S.C. § 3582 (c) (2), for an order that would correct his sentence. Petitioner's motion was erroneously placed on the court's docket sheet as a motion to vacate under 28 U.S.C. § 2255. This Court treated the motion as such and denied petitioner's motion by Memorandum and Order dated October 31, 1996. Petitioner then moved to correct the record under Rule 10 (e) of the Federal Rules of Appellate Procedure on November 6, 1996 so that it would reflect that his motion was filed under 18 U.S.C. § 3582. The government has responded to petitioner's motion under Rule 10 (e) as if it was a renewed motion to vacate his sentence under § 3582.

This Court has reviewed petitioner's motion as corrected and concludes that the reasoning set forth in the Court's Memorandum and Order dated October 31, 1996, is equally

applicable to the present motion. Accordingly, Goldwire's petition pursuant to § 3582 is dismissed.

SO ORDERED.

Dated: Brooklyn, New York
October 2nd, 1998


United States District Judge

A copy of the foregoing Memorandum and Order was this day sent to:

Willie Goldwire
Reg. No. 30148-053
Unit E-2
2680 HWY 301 S
Jessup, GA 31599

David Porter, Esq.
Assistant United States Attorney
147 Pierrepont Street
Brooklyn, NY 11201