

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

UNITED STATES OF AMERICA )  
 )  
v. ) 1:14-cr-185 (LMB)  
 )  
FRANCISCO REZA, )  
 )  
Defendant. )  
)

ORDER

Defendant, Francisco Reza acting pro se, has filed a document construed as a motion for sentence reduction (“Motion”) in which he complains that his 120 month sentence is excessive. Because there is no merit to this Motion, it will be denied.

On May 20, 2014, defendant who was represented by counsel, waived indictment, entered into a plea agreement and pleaded guilty to a one count criminal information charging him with being a member of a conspiracy to distribute 5 or more kilograms of cocaine, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 846 and 841(a)(1). That offense carried a statutory mandatory minimum sentence of 10 years incarceration to a maximum of life imprisonment, among other penalties. The Presentence Report (“PSR”) calculated defendant’s criminal history as a category IV based on various convictions in state court and the offense level at 32. The advisory range was 188-235 months incarceration; however, the Court imposed a variant sentence of 120 months incarceration, the lowest possible sentence given the statute to which the defendant pleaded guilty and his ineligibility for the Safety Valve exception due to having several convictions on his record. Defendant has not appealed either his conviction or sentence, has not filed a motion to vacate under 28 U.S.C. § 2255, and the time in which to seek such relief has long passed.

Exhibit C

On October 20, 2015, defendant filed a motion to reduce sentence pursuant to 18 U.S.C. § 3582(c)(2); however, that motion was denied because the defendant's plea agreement had included the benefits of Amendment 782's two-level reduction for cocaine offenses and because the Court's sentence was well below the resulting guideline range. Defendant did not appeal that decision.

Nothing in defendant's Motion cites to any change in the law or newly discovered facts that would provide a legal basis for reducing the sentence. For these reasons, it is hereby ORDERED that defendant's Motion [Dkt. No. 82] be and is DENIED.

To appeal this decision defendant must file a written Notice of Appeal with the Clerk of this court within fourteen (14) days. Failure to file a timely Notice of Appeal waives the right to appeal this Order.

The Clerk is directed to forward copies of this Order to counsel of record and defendant, pro se.

Entered this 19<sup>th</sup> day of June, 2018.

Alexandria, Virginia

  
is/  
Leonie M. Brinkema  
United States District Judge

FILED: September 21, 2018

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 18-6780  
(1:14-cr-00185-LMB-1)

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

FRANCISCO REZA, a/k/a Frankie, a/k/a Pancho

Defendant - Appellant

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JUDGMENT

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In accordance with the decision of this court, the judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

EXHIBIT F

**UNPUBLISHED**

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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**No. 18-6780**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

FRANCISCO REZA, a/k/a Frankie, a/k/a Pancho,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (1:14-cr-00185-LMB-1)

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Submitted: September 18, 2018

Decided: September 21, 2018

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Before WILKINSON and THACKER, Circuit Judges, and TRAXLER, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Francisco Reza, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

*EXHIBIT G.*

PER CURIAM:

Francisco Reza appeals the district court's order denying his second motion for sentence reduction.\* We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. *United States v. Reza*, No. 1:14-cr-00185-LMB-1 (E.D. Va. June 19, 2018). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*AFFIRMED*

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\* Although a district court lacks authority to reconsider its ruling on an 18 U.S.C. § 3582(c)(2) (2012) motion, *United States v. Goodwyn*, 596 F.3d 233, 235-36 (4th Cir. 2010), “this prohibition [is] non-jurisdictional, and thus waived when the government fail[s] to assert it below,” *United States v. May*, 855 F.3d 271, 274 (4th Cir.), *cert. denied*, 138 S. Ct. 252 (2017).