

APPENDIX "A"

S.D.N.Y.-N.Y.C.  
09-cr-157  
Batts, J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 11<sup>th</sup> day of April, two thousand nineteen.

Present:

Guido Calabresi,  
Debra Ann Livingston,  
Raymond J. Lohier, Jr.,  
*Circuit Judges.*

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United States of America,

*Appellee,*

v.

18-2740

Hector Dominguez-Gabriel, AKA Kinko,  
AKA John Richard Bellefleur,

*Defendant-Appellant,*

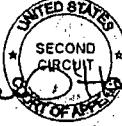
Manuel Alexander Araujo,

*Defendant.*

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Appellant, pro se, moves to “appeal” and for remand for resentencing in his appeal from the district court’s denial of his motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c)(2). Upon due consideration, it is hereby ORDERED that the motions are DENIED and the appeal is DISMISSED because it “lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *see also* 28 U.S.C. § 1915(e).

FOR THE COURT:  
Catherine O’Hagan Wolfe, Clerk of Court

*Catherine O'Hagan Wolfe*  


APPENDIX "B"

USDC SDNY
Domestic Case Not for Public Disclosure
ELECTRONICALLY FILED
JUL 15 2016
DOC #:
DATE FILED: 7/15/16

UNITED STATES DISTRICT COURT

for the

Southern District of New York

United States of America  
v.  
HECTOR DOMINGUEZ-GABRIEL  
Case No: 09-CR-157(DAB)  
USM No: 86202-004  
Date of Original Judgment: 08/18/2011  
Date of Previous Amended Judgment: \_\_\_\_\_  
(Use Date of Last Amended Judgment if Any)  
Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of  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, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

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

(Complete Parts I and II of Page 2 when motion is granted)

Defendant is ineligible for a reduction because his original sentence of 240 months is below his Amended Guidelines Range.

A CERTIFIED COPY  
RUBY J. KRAJICK, CLERK

BY

Deputy Clerk

Except as otherwise provided, all provisions of the judgment dated 08/18/2011 shall remain in effect.  
**IT IS SO ORDERED.**

Order Date: July 18, 2016

Deborah A. Batts  
Judge's signature

Effective Date: \_\_\_\_\_  
(if different from order date)

Deborah A. Batts, U.S. District Judge

Printed name and title