

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	Criminal Case No. 5:09cr00041
	)	
Respondent,	)	
	)	<b><u>ORDER</u></b>
v.	)	
	)	
<b>RAUL EZEQUIEL ROSAS-GARCIA,</b>	)	
	)	<b>By: Samuel G. Wilson</b>
Petitioner.	)	<b>United States District Judge</b>

Defendant, Raul Ezequiel Rosas-Garcia, pled guilty to conspiring to distribute 500 grams or more of cocaine in violation of title 21 U.S.C. §846 and 841(b)(1)(B), and the court sentenced him in March of 2010 to the mandatory minimum of sixty months imprisonment. Rosas-Garcia believes there may have been “fast-track” Sentencing Commission Guideline amendments that affect his sentence, and has filed a “fast-track petition” for such a reduction. Rosas-Garcia, however, was sentenced to a mandatory minimum which is unaffected by the Guidelines. Accordingly, it is **ORDERED** and **ADJUDGED**, that Rosas-Garcia’s petition is **DENIED**.<sup>1</sup>

**ENTER:** August 17, 2012.

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UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Fast-track programs originated in border states to help manage clogged immigration dockets. United States v. Jiminez-Perez, 659 F.3d 704, 706 (8th Cir. 2011). At the time, United States Attorneys offered to recommend more lenient sentences in exchange for preindictment guilty pleas and the surrender of certain appellate rights. See United States v. ReyesHernandez, 624 F.3d 405, 409–10 (7th Cir. 2010). They have since been authorized by Congress, and, to implement the programs, the United States Sentencing Commission promulgated United States Sentencing Guideline § 5K 3.1, which reads: “Upon motion of the government, the court may depart downward not more than 4 levels pursuant to an early disposition program authorized by the Attorney General of the United States and the United States Attorney for the district in which the court resides.” However, the fast-track program applies principally to defendants who have pled guilty to felony illegal-reentry. See, e.g., United States v. Alvarez-Quinoz, No. 06-310(3), 2012 WL 2003501, \*2 (D. Minn. June 5, 2012).