

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Civil No. 15-cr-178-LM-03
Opinion No. 2020 DNH 174 P

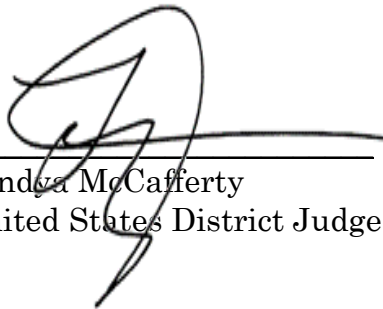
Jeannette Hardy

O R D E R

Before the court is defendant Hardy's motion (doc. no. 123), styled as a motion for reconsideration. Despite its styling, the motion does not seek reconsideration of any of the court's orders in this action, including the court's July 6, 2020 denial (without prejudice) of her motion for compassionate release under 18 U.S.C. § 3582(c). Instead, the motion seeks a reduction in Hardy's sentence under 18 U.S.C. § 3742(e) due to Hardy's post-sentencing rehabilitation efforts and accomplishments. However, Section 3742 does not provide any authority for the court to modify a defendant's sentence based on post-sentencing rehabilitation. The statutory provision governing sentence modification is, instead, 18 U.S.C. § 3582(c). Accordingly, the court construes Hardy's motion as another motion for sentence modification under Section 3582(c). Relief under Section 3582(c) is only available on a defendant's motion where the defendant first requests that the Bureau of Prisons move for sentence reduction on the defendant's behalf and then either exhausts all available administrative rights to appeal the Bureau's failure to file such a motion or waits for the lapse of thirty days following the Bureau's receipt of the defendant's

request. Hardy's motion does not indicate that she has requested that the Bureau move to reduce her sentence because of her post-sentence rehabilitation. In addition, relief under Section 3582(c) is only available where "extraordinary and compelling reasons warrant" a reduction in sentence, and while Hardy's rehabilitation efforts and accomplishments are commendable, they do not rise to the level of extraordinary or compelling grounds to reduce her sentence. The court therefore respectfully denies the motion.

SO ORDERED.



Landya McCafferty
United States District Judge

October 1, 2020

cc: Jeannette Hardy, pro se
Counsel of Record
U.S. Probation
U.S. Marshal