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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 UNITED STATES OF AMERICA,
11
12 Plaintiff,
13 v.
14 JULIAN MONDRAGON-HERNANDEZ
15 (1),
16 Defendant.

Case No.: 10-cr-03173-H-1

**ORDER GRANTING THE PARTIES'
JOINT MOTION FOR SENTENCE
REDUCTION PURSUANT TO 18
U.S.C. § 3582(c) AND U.S.S.G.
AMENDMENT 821**

[Doc. No. 287.]

17
18 On August 5, 2010, the Government filed an indictment charging Defendant Julian
19 Mondragon-Hernandez, among others, with a single count of conspiracy to possess with
20 intent to distribute cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and 846. (Doc. No. 1.)
21 On April 13, 2011, the Government filed a six-count superseding indictment charging
22 Defendant in count 1 with conspiracy to possess with intent to distribute cocaine, in
23 violation of 21 U.S.C. §§ 841(a)(1) and 846, and criminal forfeiture, in violation of 18
24 U.S.C. § 924(d) and 28 U.S.C. § 2461(c); in count 2 with conspiracy to affect commerce
25 by robbery and extortion, in violation of 18 U.S.C. § 1951(a); in count 3 with possession
26 of a firearm in furtherance of a crime of violence and a drug trafficking offense in violation
27 of 18 U.S.C. § 924(c)(1)(i) and aiding and abetting in violation of 18 U.S.C. § 2; and in
28 count 4 with illegal alien in possession of a firearm in violation of 18 U.S.C. §§

1 922(g)(5)(A) and 924(a)(2). (Doc. No. 51.)

2 Defendant proceeded to a jury trial. On November 17, 2011, a jury returned a verdict
3 finding Defendant guilty of all four counts charged against him in the superseding
4 indictment. (Doc. Nos. 97, 103.)

5 The Court held a sentencing hearing on June 14, 2012. (Doc. Nos. 163, 185.) At
6 sentencing, the Court calculated Defendant's total combined adjusted offense level for
7 counts 1, 2, and 4 as level 34 and his criminal history category as II, resulting in an advisory
8 guidelines range of 168-210 months. (Doc. No. 185 at 24.) After considering the § 3553(a)
9 factors, the Court sentenced Defendant to 168 months in custody for counts 1 and 2 and
10 120 months in custody for count 4 with counts 1, 2 and 4 to run concurrently and to the
11 mandatory 60 months in custody for count 3 to run consecutive to the other counts,
12 resulting in a total custodial sentence of 228 months. (Id. at 25, 31.) The Court entered a
13 judgment on June 18, 2012. (Doc. No. 168.)

14 On June 20, 2012, Defendant appealed his conviction and sentence. (Doc. No. 169.)
15 On November 27, 2013, the Ninth Circuit affirmed Defendant's conviction and sentence.
16 (Doc. No. 208.)

17 On January 2, 2024, the parties filed a joint motion under General Order 755 for a
18 sentence reduction pursuant to 18 U.S.C. § 3582(c) and U.S.S.G. Amendment 821 (2023).
19 (Doc. No. 287.) In the joint motion, the parties request that Defendant's sentence as to
20 Counts 1 and 2 be reduced from 168 months to 151 months.¹ (Id.) The parties have
21 supported their request with a sentencing summary chart recalculating Defendant's
22 guidelines under Amendment 821 and U.S.S.G. § 1B1.10. (Id.)

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28 ¹ In the joint motion, the parties clarify that they request that all other sentencing
decision remain the same. (Doc. No. 287.)

1 For good cause shown, the Court grants the parties' joint motion. The Court reduces
2 Defendant Mondragon-Hernandez's sentence as to Counts 1 and 2 to 151 months in
3 custody. The Court will issue an amended judgment reflecting the new sentence.

4 **IT IS SO ORDERED.**

5 DATED: January 8, 2024

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7 MARILYN L. HUFF, District Judge
8 UNITED STATES DISTRICT COURT
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