

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 4/8/2025

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

CHRIS RECAMIER,

Defendant.

21-cr-00746 (MKV)

SCHEDULING ORDER

MARY KAY VYSKOCIL, United States District Judge:

On October 18, 2022, Chris Recamier (“Defendant”) was sentenced principally to a term of imprisonment of 108 months following his plea of guilty to charges relating to major fraud against the United States, in violation of 18 U.S.C. § 1031. [ECF No. 81]. The Defendant’s sentencing guidelines range was 108 to 120 months’ imprisonment, based on an offense level of 31 and a criminal history category of I. The Bureau of Prisons currently projects that the Defendant will be released from prison on January 3, 2029.

Effective November 1, 2023, in its Amendment 821, the United States Sentencing Commission (the “Sentencing Commission”) amended the United States Sentencing Guidelines in two respects. Part A amends Guidelines § 4A1.1, by reducing from two (2) points to one (1) point the upward adjustment for offenders who committed the instant offense while under any criminal sentence, and by limiting this adjustment to defendants who received seven (7) or more criminal history points. Part B, as relevant here, amends Guidelines § 4C1.1, by providing a 2-level offense level reduction for offenders with zero (0) criminal history points who meet specified eligibility criteria. The Sentencing Commission made these amendments retroactive effective November 1, 2023. Defendants whose requests are granted by the courts can be released from prison no earlier than February 1, 2024.

The United States Probation Office has issued a report indicating that the Defendant is eligible for a sentence reduction under Amendment 821. [ECF No. 151]. Pursuant to the standing order of the Chief Judge of this District, the Federal Defenders of New York has been appointed to represent the Defendant in connection with the Court's consideration of whether the Defendant's sentence should be modified in light of Amendment 821.

On April 5, 2024 the Court ordered the following: (1) that an attorney from the Federal Defenders of New York shall file a notice of appearance on behalf of the Defendant no later than April 19, 2024; (2) that the Defendant shall file any motion for a reduction in sentence pursuant to Amendment 821 no later than May 3, 2024, (3) that the Government shall file a statement of its position on any motion for modification of the Defendant's sentence no later than May 17, 2024, and (4) that the Defendant shall file his reply, if any, no later than May 24, 2024.

A year later, none of this has occurred. Accordingly, IT IS HEREBY ORDERED THAT (1) an attorney from the Federal Defenders of New York shall file a notice of appearance on behalf of the Defendant no later than April 25, 2025; (2) the Defendant shall file any motion for a reduction in sentence pursuant to Amendment 821 no later than May 8, 2025, (3) the Government shall file a statement of its position on any motion for modification of the Defendant's sentence no later than May 22, 2025, and (4) the Defendant shall file his reply, if any, no later than May 29, 2025.

The Court's intention, unless it orders otherwise, is to resolve this motion based on the parties' written submissions.

SO ORDERED.

Dated: April 8, 2025
New York, NY


MARY KAY VYSKOCIL
United States District Judge

cc: Jennifer Brown, Esq., Federal Defenders of New York