

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-50383
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RANDOLFO ROMERO-CICLE,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-98-CR-133-1-OLG

April 10, 2001

Before JOLLY, HIGGINBOTHAM, and JONES, Circuit Judges.

PER CURIAM:*

Randolfo Romero-Cicle, federal prisoner # 79245-079, appeals the district court's denial of his 18 U.S.C. § 3582(c) motion to modify his sentence based upon amendments to the Sentencing Guidelines. He argues that he was entitled to a two-level adjustment to his offense level under U.S.S.G. § 2D1.1(b)(6) and that the district court erroneously imposed a five-year supervised release term even though Romero met the criteria under U.S.S.G. § 5C1.2.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Romero's postjudgment motion was not based upon amendments to the Guidelines following his sentence. His § 3582 motion was thus unauthorized, and the district court did not have jurisdiction to entertain it. See United States v. Early, 27 F.3d 140, 142 (5th Cir. 1994). Furthermore, Romero received a two-level adjustment under U.S.S.G. § 2D1.1(b)(6), and his five-year term of supervised release was imposed in accordance with U.S.S.G. § 5D1.2(a)(1). See U.S.S.G. § 5D1.2, comment. (n.1).

AFFIRMED.