

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-41210
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GRAYLAND ARTHUR ARNOLD,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:97-CR-155
- - - - -

December 11, 2002

Before JOLLY, DAVIS, and JONES, Circuit Judges.

PER CURIAM:*

Grayland Arthur Arnold, federal prisoner #06584-078, appeals the district court's denial of his motion for downward departure pursuant to 18 U.S.C. § 3582(c). Arnold has failed to show that relief under 18 U.S.C. § 3582(c)(1)(A)(i) or (c)(2) is available to him as there has been no motion from the Director of the Bureau of Prisons, and he has not alleged any amendment to or

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

modification of the sentencing guidelines in effect when he was sentenced. See 18 U.S.C. § 3582(c)(1)(A)(i) & (c)(2).

This appeal is without arguable merit and is thus frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983).

Accordingly, it is DISMISSED. See 5TH CIR. R. 42.2.

APPEAL DISMISSED.