

April 20, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-40761
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SALVADOR VARGAS NAVARRO,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:96-CR-63-2-RAS

Before JONES, SMITH, and PRADO, Circuit Judges.

PER CURIAM:*

Salvador Vargas Navarro, federal prisoner no. 05101-010, is serving a 360-month sentence for 1997 drug-trafficking convictions. He appeals the district court's denial of his motion styled "Motion to Correct or Amend the Presentence Report, and Resentence De Novo." He argues that he is entitled to relief because the sentencing court failed to resolve an issue raised in the presentence report and because he was not present during sentencing.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The rules that Navarro cites, FED. R. CRIM. P. 32 and 43, provide no procedural or jurisdictional vehicle for his collateral attack on his sentence. He has thus "appealed from the denial of a meaningless, unauthorized motion." See United States v. Early, 27 F.3d 140, 141 (5th Cir. 1994). The ruling of the district court is AFFIRMED on grounds that the district court lacked jurisdiction to entertain such a motion. See id.