

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

August 22, 2007

Charles R. Fulbruge III  
Clerk

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No. 06-30707  
Summary Calendar

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UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

TERRENCE MILLSAPS

Defendant-Appellant

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 2:95-CR-377-1

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Before HIGGINBOTHAM, STEWART, and OWEN, Circuit Judges.

PER CURIAM:\*

Terrence Millsaps, federal prisoner # 83445-012, appeals from the district court's denial of his motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2). We review the district court's denial for an abuse of discretion. See *United States v. Boe*, 117 F.3d 830, 831 (5th Cir. 1997); *United States v. Shaw*, 30 F.3d 26, 28-29 (5th Cir. 1994).

Millsaps's motion relies upon a sentencing guideline amendment that was enacted more than two years before his sentence was imposed. Millsaps's

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

contention that he did not receive notice of his sentencing enhancement pursuant to 21 U.S.C. § 851 is not cognizable under § 3582(c)(2). Accordingly, the district court did not abuse its discretion in denying Millsaps's motion. See *Shaw*, 30 F.3d at 28.

Millsaps's appeal is dismissed as frivolous. See 5TH CIR. R. 42.2; *Howard v. King*, 707 F.2d 215, 219-20 (5th Cir. 1983). We caution Millsaps that further frivolous filings may result in the imposition of sanctions, including dismissal, monetary penalties, and restrictions on his ability to file appeals in this court and actions in any court subject to this court's jurisdiction.

APPEAL DISMISSED; SANCTION WARNING ISSUED.