

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-10742
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ERIC BRYANT,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:95-CR-005-A
- - - - -

April 26, 1996

Before DAVIS, BARKSDALE, and DeMOSS, Circuit Judges.

PER CURIAM:*

Eric Bryant argues that his right to due process was violated by the district court's refusal to grant his motion for a downward departure. Because we lack jurisdiction to review the district court's exercise of its discretion in denying the motion for a downward departure, unless the court's refusal was the result of a violation of law or a misapplication of the Sentencing Guidelines, the appeal is DISMISSED. United States v. DiMarco, 46 F.3d 476, 477 (5th Cir. 1995).

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

DISMISSED.