

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-60447
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CYRIL MELTON,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 1:88-CR-13-GR
- - - - -

April 2, 1997

Before WISDOM, JOLLY, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Cyril Melton, federal prisoner #20485-034, appeals from the district court's denial of his motions for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) and for reconsideration of such denial. Melton's notice of appeal from the district court's denial of his motion for reduction of sentence was not timely filed. See Fed. R. App. P. 4(b). Melton's motion for reconsideration did not operate to toll the running of the ten-day time period for filing an effective notice of appeal because

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

it was also untimely filed. See United States v. Brewer, 60 F.3d 1142, 1145 (5th Cir. 1995). Because Melton failed to file an effective notice of appeal from the district court's denial of his motion for reduction of sentence, and because his motion for reconsideration was untimely, the court lacks appellate jurisdiction to consider the district court's denial of the motions. Accordingly, Melton's appeal is DISMISSED.