

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-30481  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

OLIVER MYLES,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 91-CR-410-F  
- - - - -

February 12, 1998

Before SMITH, EMILIO M. GARZA, and DeMOSS, Circuit Judges.

PER CURIAM:\*

Oliver Myles, prisoner no. 24494-077, appeals the district court's denial of his motion for reconsideration of the district court's order granting the Government's motion to reduce Myles' sentence by 12 months pursuant to Fed. R. Crim. P. 35(b) for his assistance in the prosecution of other conspiracy members. Myles argues that the Government breached its agreement to recommend a greater reduction.

The district court lacked jurisdiction to consider Myles'

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

motion, which was filed more than a year following the district court's ruling on the Rule 35(b) motion. See United States v. Cook, 670 F.2d 46, 48-49 (5th Cir. 1982). Myles' request for appointment of counsel is DENIED.

AFFIRMED.