

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 97-40581  
(Summary Calendar)

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DONALD WAYNE NANTZ,

Defendant-Appellant.

- - - - -  
Appeal from the United States District Court  
for the Eastern District of Texas  
(USDC No. 1:91-CR-56)  
- - - - -

July 2, 1998

Before WIENER, BARKSDALE, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Donald Wayne Nantz, federal prisoner #03324-078, appeals from the district court's denial of his motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2). He argues that the district court abused its discretion by "resentencing" him to the high end of the amended guideline range and that he had a right to be present and to the preparation of an updated presentence report at his "resentencing." We have reviewed the record and find no reversible error. Nantz's argument that the district court erred

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

by determining that 50 pounds of ephedrine would produce thirty pounds of pure methamphetamine is not cognizable in a § 3582 proceeding. See United States v. Shaw, 30 F.3d 26, 29 (5th Cir. 1994). Accordingly, the judgment of the district court is AFFIRMED.

Nantz's motion to remand jurisdiction to the district court is DENIED.

AFFIRMED; MOTION DENIED.