

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-50336
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DENNIS BRYANT DAMER,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. A-96-CV-88
- - - - -

February 10, 1998

Before DUHE', DeMOSS and DENNIS, Circuit Judges.

PER CURIAM:*

Dennis Bryant Damer, federal prisoner #49013-080, appeals the denial of his motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255. He argues that he is entitled to resentencing because Amendment 484 to the 1993 version of the Sentencing Guidelines reduces the quantity of methamphetamine the court may consider in determining his sentence.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The district court did not err in denying Damer's § 2255 motion because the alleged error is not cognizable under that section. See United States v. Towe, 26 F.3d 614, 616 (5th Cir. 1994). Neither is he entitled to relief under 21 U.S.C. § 3582(c)(2), because the time for filing an appeal of the denial of his § 3582(c)(2) motion has expired. See Fed. R. App. P. 4(a)(1).

AFFIRMED.