

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-50200
Summary Calendar

THE UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ALBERT SANCHEZ, JR.,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-94-CR-384-1
- - - - -

December 10, 1998

Before KING, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Appellant Albert Sanchez, Jr. appeals the sentence he received after his case was remanded for resentencing. He contends, for the first time on appeal, that the district court erred in denying him a third-level downward adjustment for acceptance of responsibility pursuant to U.S.S.G. § 3E1.1(a). We do not address this issue as it does not arise out of this court's original ruling and Sanchez did not raise the issue in his first appeal. See United States v. Marmolejo, 139 F.3d 528,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

530-31 (5th Cir. 1998), petition for cert. filed, (U.S. Jul. 20, 1998)(No. 98-5372).

Accordingly, the judgment is AFFIRMED.