

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-50673
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BETTY WORLINE,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. A-95-CR-97-ALL

August 26, 1999

Before KING, Chief Judge, and JOLLY and DAVIS, Circuit Judges.

PER CURIAM:*

The Government has filed a motion to dismiss the appeal filed by federal inmate Betty Worline (# 61623-080). Worline had filed a motion in the district court invoking 18 U.S.C. § 3582(c)(2), and the district court determined that § 3582(c)(2) did not afford grounds for the requested relief and construed the motion as arising under 28 U.S.C. § 2255.

On appeal, Worline argues that she meets the requirements for a three-level reduction for acceptance of responsibility and

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

a one-level reduction pursuant to U.S.S.G. § 5C1.2 and that the district court should have reduced her sentence based on the condition of her health. Worline waived her right to challenge her sentence both on direct appeal and in a § 2255 proceeding except under limited circumstances which are not alleged here. Furthermore, neither § 3582(c) or § 2255 offers any possibility of relief for Worline. *See United States v. Gonzalez-Balderas*, 105 F.3d 981, 982 (5th Cir. 1997); *United States v. Vaughn*, 955 F.2d 367, 368 (5th Cir. 1992).

Accordingly, the Government's motion to dismiss the appeal is GRANTED.

MOTION GRANTED; APPEAL DISMISSED.