

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-50761  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

IKWUEMESI UZOMA OKOLI,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. A-92-CR-11-2  
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OCTOBER 20, 1999

Before JONES, WIENER, and STEWART, Circuit Judges.

PER CURIAM:\*

Ikwuemesi Uzoma Okoli appeals from the district court's denial of his "Motion to Waive Fine." Okoli's motion was "unauthorized" because the relief he sought was not available under any federal rule or statute providing for post-conviction relief. See United States v. Early, 27 F.3d 140, 141-42 (5th Cir. 1994). Relief was not available to Okoli under Fed. R. Crim. P. 35, 18 U.S.C. §§ 3742 and 3582(c)(2), or 28 U.S.C. § 2255. See id.; United States v. Segler, 37 F.3d 1131, 1137

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

(5th Cir. 1994). Although the district court denied Okoli's motion on the merits, it should have denied the motion for lack of jurisdiction. See Early, 27 F.3d at 142. This court may affirm on that alternative ground. See id.

AFFIRMED.