

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-40600  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BARRY DALE WARD,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 6:89-CR-49-7  
- - - - -

April 13, 2000

Before WIENER, DeMOSS, and PARKER, Circuit Judges.

PER CURIAM:\*

Barry Dale Ward, prisoner number 02935-078, appeals the district court's denial of his 18 U.S.C. § 3742 motion. Ward filed his motion after this court denied relief in his direct appeal. The district court lacked jurisdiction to entertain the motion. See 18 U.S.C. §§ 3742, 3572; United States v. Early, 27 F.3d 140, 141-42 (5th Cir.); Fed. R. Crim. P. 35. The judgment of the district court is AFFIRMED on this alternative basis. See Early, 27 F.3d at 142.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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