

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-50906
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RUBEN H. JOHNSON,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. A-88-CR-104-ALL

July 27, 1998

Before JOLLY, BENAVIDES, and PARKER, Circuit Judges.

PER CURIAM:*

Ruben H. Johnson appeals the denial of his motion pursuant to Fed. R. Crim. P. 35 requesting a reduction in the amount of restitution he was ordered to pay as part of his sentence for his bank fraud convictions. Because Johnson's motion was untimely, the district court lacked jurisdiction to afford relief. See In re United States, 900 F.2d 800, 803 (5th Cir. 1990).

AFFIRMED.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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