

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-41402
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE ONELIO RIOS,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-97-CR-250-7

September 2, 1999

Before JOLLY, JONES, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Jose Onelio Rios, federal prisoner No. 78248-079, appeals the district court's denial of his motion to modify his sentence pursuant to 18 U.S.C. § 3582(c). Rios contends that he is entitled to a sentence reduction because his sentence was based on a guideline range that has subsequently been lowered.

After careful review of the record and the briefs, we find no indication that Rios's sentence was based on a guideline sentencing range that has since been lowered. Furthermore, this case does not involve circumstances that would otherwise trigger the district

*Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

court's discretionary authority to modify a sentence under 18 U.S.C. § 3582(c). Accordingly, Rios's § 3582(c) motion for reduction of his sentence was "an unauthorized motion which the district court was without jurisdiction to entertain." United States v. Early, 27 F.3d 140, 142 (5th Cir. 1994). For this reason, the judgment of the district court is

A F F I R M E D.