

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-50380
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DERRICK DWAYNE BRISCOE,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. W-92-CR-26-6

October 19, 1999

Before JONES, SMITH, and STEWART, Circuit Judges.

PER CURIAM:*

Derrick Dwayne Briscoe, federal prisoner No. 60259-080, appeals the denial of his motion for reduction of sentence under 18 U.S.C. § 3582(c)(2). Briscoe argues that the district court should have reduced his sentence in the light of a 1994 amendment to U.S.S.G. § 2D1.1(c) ("Amendment 505"), which would have lowered his base offense level from 40 to 38, and that the district court's reliance upon the nature and circumstances of his case was an insufficient basis on which to deny the motion.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

We have reviewed the record and the briefs of the parties and hold that the district court did not abuse its discretion in denying the motion. United States v. Whitebird, 55 F.3d 1007, 1009-10 (5th Cir. 1995).

AFFIRMED.