

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-41482
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JAVIER MIRANDA-JIMENEZ, also known as Antonio Salgado Diaz,
also known as Alejandro Bustamante Diaz,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. B-00-CR-375-1

December 12, 2001

Before HIGGINBOTHAM, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Javier Miranda-Jimenez ("Miranda") appeals from his sentence for illegal reentry after deportation. Miranda contends that the district court erroneously concluded that it lacked the authority to depart downward under U.S.S.G. § 5H1.6 based on his claim of extraordinary family responsibilities.

We find nothing in the record which indicates that the district court held such an erroneous belief, and we therefore lack jurisdiction to consider the appeal. See United States v. Yanez-Huerta, 207 F.3d 746, 748 (5th Cir.), cert. denied, 531

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

U.S. 981 (2000). Miranda's request that this court adopt the approach of other circuits by remanding ambiguous cases is also without merit. See United States v. Eastland, 989 F.2d 760, 768 n.16 (5th Cir. 1993) (one panel of this court may not overrule another panel, absent en banc reconsideration or a superseding decision of the Supreme Court).

APPEAL DISMISSED.