

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-51139
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BILLY GENE MALONE, JR.,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. W-91-CR-13-ALL

June 18, 2002

Before HIGGINBOTHAM, DAVIS, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Billy Gene Malone, Jr., federal prisoner # 56438-080, appeals the district court's denial of his pro se motion for reconsideration of the district court's order denying his motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c). Malone contends that he is entitled to a sentence reduction in light of a retroactive amendment to the sentencing guidelines.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The district court lacked jurisdiction to consider Malone's October 22, 2001, motion to reconsider, which was filed more than ten days following the district court's September 17, 2001, order denying reconsideration of Malone's 18 U.S.C. § 3582(c) motion. See United States v. Brewer, 60 F.3d 1143, 1143-44 (5th Cir. 1995); United States v. Cook, 670 F.2d 46, 48-49 (5th Cir. 1982).

AFFIRMED.