

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-40292
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DONALD WAYNE NANTZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of
USDC No. 1:91-CR-56-ALL

February 19, 2003

Before WIENER, EMILIO M. GARZA, and CLEMENT, Circuit Judges.

PER CURIAM:*

Donald Wayne Nantz ("Nantz"), federal inmate #03324-078, appeals the district court's denial of his 18 U.S.C. § 3582(c)(2) motion to modify his sentence. Nantz argues that Amendment 484, which modified the application note in U.S.S.G. § 2D1.1, entitled him to a reduction in his sentence. Amendment 484 is inapplicable because Nantz was sentenced based on the amount of methamphetamine that he was capable of producing, given the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

amount of materials seized at the time of his arrest. See
United States v. Allison, 63 F.3d 350, 352-53 (5th Cir. 1995).

Accordingly, the district court's judgment is AFFIRMED.