

**FILED**

January 20, 2005

Charles R. Fulbruge III  
Clerk

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

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No. 04-10054  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JORGE GOMEZ,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:98-CR-385-3-H  
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Before WIENER, BENAVIDES and STEWART, Circuit Judges.

PER CURIAM:\*

Jorge Gomez, federal inmate # 32875-077, appeals the district court's denial of his motion under FED. R. CRIM. P. 32 to correct the Presentence Report (PSR). The Government's motion to dismiss Gomez's appeal as frivolous is DENIED. Further briefing, however, is unnecessary.

Complaints regarding the contents of a PSR must be raised prior to the imposition of sentence; therefore, the district court did not have jurisdiction to consider Gomez's postsentence

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

motion to correct the PSR. See United States v. Engs, 884 F.2d 894, 895-97 (5th Cir. 1989). This court is, therefore, without jurisdiction over Gomez's appeal. See United States v. Key, 205 F.3d 773, 774 (5th Cir. 2000). The judgment of the district court is VACATED, and the appeal is DISMISSED.