

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-50057
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JESSE ROLAND FLORES,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-92-CR-69-1
- - - - -

October 21, 1997

Before POLITZ, Chief Judge, and WIENER and DENNIS, Circuit Judges.

PER CURIAM:*

Jesse Roland Flores, federal inmate ##25755-138, appeals the denial of his motion pursuant to 18 U.S.C. § 3582(c)(2). We detect no abuse of discretion in the court's denial of the motion. Although the guideline amendments upon which Flores premised his motion are given retroactive effect, these amendments do not apply to Flores' sentence. See Flores v. United States, No. SA-92-CR-69 (W.D. Tex. Dec. 19, 1996).

This appeal is without arguable merit and thus is frivolous.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

See 5th Cir. R. 42.2. The appeal is DISMISSED. We caution Flores that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Flores is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED. SANCTION WARNING ISSUED.