

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 98-50392  
Summary Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RAYMOND LEE HARBERT, JR.,  
COREY LAMONT HARBERT,

Defendants-Appellants.

- - - - -  
Appeal from the United States District Court  
for the Western District of Texas  
USDC No. W-92-CR-26-7  
- - - - -

January 28, 1999

Before DAVIS, DUHE', and PARKER, Circuit Judges.

PER CURIAM:\*

Raymond Harbert, Jr., federal prisoner # 60263-080, and Corey Harbert, federal prisoner # 60258-080, appeal the denial of their motion for reduction of sentence under 18 U.S.C. § 3582(c)(2). They argue that the district court should have reduced their sentences in the light of a 1994 amendment to U.S.S.G. § 2D1.1(c) ("Amendment 505"), under which their base offense levels would have been 38, rather than 40, and that the district court's reliance upon the nature and circumstances of

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

their case was an insufficient basis on which to deny their motion.

We have reviewed the record and the briefs of the parties and hold that the district court did not abuse its discretion in denying the motion. United States v. Whitebird, 55 F.3d 1007, 1009-10 (5th Cir. 1995). Appellants' request for the appointment of counsel for oral argument is DENIED. Fed. R. App. P. 34(a)(2).

AFFIRMED. MOTION DENIED.