United States Court of Appeals
Fifth Circuit

F I L E D

October 24, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

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No. 06-50167
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHRISTOPHER SEAN CARTER,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:96-CR-28-ALL

Before JOLLY, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:*

Christopher Sean Carter, federal prisoner # 68711-080,
pleaded guilty in 1996 to possession with intent to distribute
cocaine base in violation of 21 U.S.C. § 841(a)(1). Carter now
appeals the district court's denial of his 18 U.S.C. § 3582(c)(2)
motion.

Carter's contention that his sentence is subject to
modification in light of United States v. Booker, 543 U.S. 220
(2005), is without merit. Section 3582(c)(2) is inapplicable
because Booker did not involve a retroactive amendment to the

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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this opinion should not be published and is not precedent except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.

Sentencing Guidelines. See United States v. Shaw, 30 F.3d 26, 28 (5th Cir. 1994); § 3582(c)(2).

With respect to Carter's assertion that he is entitled to relief under § 3582(c)(2) based on Amendment 591 to the Guidelines, Carter did not raise this argument in the district court. Accordingly, we need not consider it. See United States v. Pardue, 36 F.3d 429, 431 (5th Cir. 1994). Regardless, Carter's argument is without merit. Amendment 591 is not relevant to either the determination of a specific offense level within the applicable guideline section or the consideration of relevant conduct. See U.S.S.G. App. C, Amendment 591 (Nov. 2000). Therefore, the district court was not prohibited from considering additional amounts of drugs not included in the charged offense.

For the foregoing reasons, the judgment of the district court is AFFIRMED.