

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-20652
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ALONZO C. RUIZ, also known as Alonso C. Ruiz,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-94-CR-88-2

June 14, 2001

Before WIENER, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:*

Alonzo C. Ruiz appeals from the denial of his motion for correction of sentence pursuant to Rule 35(a) of the Federal Rules of Criminal Procedure. The district court did not err in denying the motion, which was procedurally defective. Further, the one-point adjustment in his base offense level sought by Ruiz was granted by the district court at Ruiz's sentencing hearing in 1994. Thus, this court could not grant Ruiz the relief he seeks. The appeal is frivolous and is DISMISSED. See 5th Cir. R. 42.2.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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