

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-50574  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ARMANDO MELENDEZ,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. EP-92-CR-133-1  
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June 14, 2001

Before WIENER, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:\*

Armando Melendez appeals the district court's denial of his 18 U.S.C. § 3582(c)(2) motion to reduce sentence. Melendez's appellate argument does not focus on whether the district court abused its discretion in declining to modify his sentence based on the pertinent amendment to the Sentencing Guidelines.

Rather, Melendez argues that the district court erred in not modifying his sentence based on his status as a deportable alien, his rehabilitative efforts, and his medical condition. These factors are not, in and of themselves, a proper basis for a

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

§ 3582 motion. Accord, United States v. Shaw, 30 F.3d 26, 29 (5th Cir. 1994) (noting that § 3582 "applies only to retroactive guideline amendments"). Melendez thus has not shown that the district court abused its discretion in denying his motion. The judgment of the district court is AFFIRMED.