

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-30355
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

FREDDIE FRANCIS, JR,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 99-CR-20028-9

October 9, 2001

Before DUHÉ, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:¹

Freddie Francis, Jr., appeals the district court's denial of his 18 U.S.C. § 3582(c)(2) motion to reduce sentence based on Amendment 591 to the Sentencing Guidelines. See U.S.S.G. App. C, Amendment 591 (effective Nov. 1, 2000). Francis contends that Amendment 591 should be applied in his case because his base offense level was determined based on uncharged conduct that did not represent his offense of conviction.

The provisions of Amendment 591 do not lower the guidelines range applicable to Francis and do not apply to the determination

¹ 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

of the base (or specific) offense levels within the applicable offense guideline section or to any consideration of relevant conduct. Accordingly, the district court did not abuse its discretion in denying Francis' motion. See United States v. Gonzalez-Balderas, 105 F.3d 981, 982 (5th Cir. 1997); United States v. Shaw, 30 F.3d 26, 28 (5th Cir. 1994). The judgment of the district court is AFFIRMED.