

REVISED FEBRUARY 3, 2003

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-20721
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ADAN CISNEROS-GARZA,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-00-CR-246-ALL

January 17, 2003

Before JONES, STEWART, and DENNIS, Circuit Judges.

PER CURIAM:*

Adan Cisneros-Garza, federal prisoner # 88368-079, appeals the district court's denial of his pro se motion for reconsideration of the district court's order denying his motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c). Cisneros-Garza contends that he is entitled to a sentence reduction in light of a retroactive amendment to the sentencing guidelines.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The district court lacked jurisdiction to consider Cisneros-Garza's May 14, 2002, motion to reconsider, which was filed more than ten days following the district court's January 31, 2002, order denying Cisneros-Garza's 18 U.S.C. § 3582(c) motion. See United States v. Cook, 670 F.2d 46, 48-49 (5th Cir. 1982); United States v. Brewer, 60 F.3d 1143, 1143-44 (5th Cir. 1995). The district court's denial of Cisneros-Garza's motion for reconsideration is hereby VACATED, and the case is REMANDED to the district court with instructions to dismiss the motion for want of jurisdiction.

VACATED AND REMANDED WITH INSTRUCTIONS.