

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-50609
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ELMER GONZALO ALVARADO-PALMA,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-01-CR-1065-ALL-DB

February 20, 2003

Before WIENER, EMILIO M. GARZA, and CLEMENT, Circuit Judges.

PER CURIAM:*

Elmer Gonzalo Alvarado-Palma ("Alvarado") pled guilty to illegal re-entry under 8 U.S.C. § 1326. As a result of a 1997 conviction for possession of cocaine for sale, his offense level was increased by 16 levels under U.S.S.G. § 2L1.2(b)(1)(A). He appeals his sentence, urging that the 2001 guidelines be used and that under those guidelines, the sentence increase should not be applied.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

However, the district court lacked the jurisdiction to consider Alvarado's late motion to reconsider. United States v. Cook, 670 F.2d 46, 48-49 (5th Cir. 1982). Moreover, the record reflects that the district court properly applied the 2001 version of the Sentencing Guidelines. The sentence imposed by the district court is affirmed.

AFFIRMED.