

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

April 15, 2008

No. 06-11392
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

DAVID ANTOINE JOHNSON

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:01-CR-185-1

Before PRADO, OWEN, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

David Antoine Johnson, federal prisoner # 27125-177, appeals the district court's dismissal of his motion to reduce his sentence, purportedly filed pursuant to 18 U.S.C. § 3553(a)(6), (b)(1)-(2). The cited subsections do not authorize such a motion. Because Johnson's motion also did not fall under any of the provisions of 18 U.S.C. § 3582(c), the motion was unauthorized and without jurisdictional basis. See *United States v. Early*, 27 F.3d 140, 141-42 (5th Cir. 1994). Moreover,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

it cannot be construed as a 28 U.S.C. § 2255 motion to vacate because Johnson has already filed at least one § 2255 motion and the current motion is subject to the jurisdictional bar of the successive-motion provision, 28 U.S.C. § 2244(b)(3)(A). See *United States v. Key*, 205 F.3d 773, 774 (5th Cir. 2000).

AFFIRMED; MOTION FOR APPOINTMENT OF COUNSEL DENIED.