

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

August 30, 2007

Charles R. Fulbruge III
Clerk

No. 06-40609
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

TAIRONE TRANIEL STANFORD

Defendant-Appellant

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:98-CR-151-2

Before WIENER, GARZA, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Tairone Traniel Stanford, federal prisoner # 07316-078, appeals the district court's summary dismissal of his motion to modify his sentence, purportedly filed pursuant to 18 U.S.C. § 3582(b)(2)(B). Section "3582(b)(2)(B)" does not exist. A district court may modify the imposed term of imprisonment under limited circumstances. § 3582(c). Because Stanford's motion did not fall under any of the provisions of § 3582(c), it was unauthorized and without jurisdictional basis. *United States v. Early*, 27 F.3d 140, 141-42 (5th Cir. 1994).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Moreover, it cannot be construed as a 28 U.S.C. § 2255 motion to vacate, because Stanford has already filed 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).

Because Stanford's appeal is without arguable merit, we DISMISS the appeal as frivolous. *Howard v. King*, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2. The Government's motion for summary affirmance and the alternative motion for an extension of time to file an appellate brief are DENIED as unnecessary. Stanford is hereby WARNED that any further repetitious or frivolous filings, including those attempting to circumvent statutory restrictions on filing second or successive § 2255 motions, may result in the imposition of sanctions against him. These sanctions may include dismissal, monetary sanctions, and restrictions on his ability to file pleadings in this court and any court subject to this court's jurisdiction.