

United States Court of Appeals
for the Fifth Circuit

No. 20-30512
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 4, 2021

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

GARLAND D. MILLER,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 5:07-CR-50032-1

Before DAVIS, STEWART, and DENNIS, *Circuit Judges.*

PER CURIAM:*

Garland D. Miller, former federal prisoner # 13658-035, appeals the district court's dismissal for lack of jurisdiction of his postjudgment motion challenging his 2008 restitution order. Miller also moves for the appointment of counsel and the recusal of the district judge.

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 20-30512

By failing to challenge the district court's decision that it lacked jurisdiction to modify Miller's restitution order pursuant to 18 U.S.C. § 3742, Miller has abandoned the issue on appeal. *See Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993); *Brinkmann v. Dallas Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). Further, Miller articulates no basis for this court to grant relief. *See Zimmerman v. Spears*, 565 F.2d 310, 316 (5th Cir. 1977); *see also In re McBryde*, 117 F.3d 208, 220 (5th Cir. 1997); *United States v. Arlt*, 567 F.2d 1295, 1297 (5th Cir. 1978).

AFFIRMED; MOTIONS DENIED.