

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 93-2543  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LOUIS ELTON STONE,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. CR-H-89-297-1

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(March 22, 1995)

Before GARWOOD, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:\*

Louis Elton Stone argues that the district court erred in denying his motion for an amended judgment because the district court orally acknowledged at the sentencing hearing that Stone should receive credit for time served in state custody. Stone's motion was unauthorized, however, and without a jurisdictional basis. United States v. Early, 27 F.3d 140, 141 (5th Cir.), cert. denied, 115 S. Ct. 600 (1994). Although Stone attempted to bring the motion pursuant to Fed. R. Crim. P. 35(a), Stone's motion and his situation do not fit that rule; "Rule 35(a), as

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\* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

applicable to offenses such as this one committed after November 1, 1987, does not provide a district court with authority to modify or reduce a sentence." Id. (internal citation omitted). Nor do Stone's motion and situation fall within any other subsection of Rule 35. Id. Because Stone's motion was unauthorized, the district court was without jurisdiction to entertain it. See United States v. Wilson, 503 U.S. 329, \_\_\_, 112 S. Ct. 1351, 1353-56 (1992) (the Attorney General, through the Bureau of Prisons, and not the district courts, administers the sentence of a federal offender, including the computation of credits under 18 U.S.C. § 3585(b) for certain time spent in official detention); see also United States v. Dowling, 962 F.2d 390, 393 (5th Cir. 1992) ("[p]risoners may [] seek administrative review of the computations of their credit . . . and, once they have exhausted their administrative remedies, prisoners only then pursue judicial review of these computations").

Stone also appears to raise an ex post facto claim for the first time on appeal. This court need not address issues not considered by the district court. "[I]ssues raised for the first time on appeal are not reviewable by this court unless they involve purely legal questions and failure to consider them would result in manifest injustice." Varnado v. Lynaugh, 920 F.2d 320, 321 (5th Cir. 1991). This issue is not purely legal and thus cannot be considered by this court.

AFFIRMED.