

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-50464
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LYNN DALE MOORING,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. W-91-CR-101-2
- - - - -

February 2, 1996
Before DAVIS, BARKSDALE, and DeMOSS, Circuit Judges.

PER CURIAM:*

Lynn Dale Mooring appeals from the district court's order denying his motion to reduce his prison term, filed pursuant to 18 U.S.C. § 3582(c)(2). He argues that an amendment to the Sentencing Guidelines should be applied retroactively to reduce his guideline range. Because the amendment on which Mooring relies was already in effect at the time he was sentenced,

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Mooring's motion should have been dismissed for lack of jurisdiction. See United States v. Early, 27 F.3d 140, 142-43 (5th Cir.), cert. denied, 115 S. Ct. 600 (1994). On that basis, the district court's denial of the motion is

AFFIRMED.