

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-40468  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GERALD DANIEL BEAUMONT,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 1:90-CR-53-2  
- - - - -  
February 20, 1997

Before SMITH, EMILIO M. GARZA, and PARKER, Circuit Judges.

PER CURIAM:\*

Gerald Daniel Beaumont, federal prisoner No. 03776-035, was convicted and sentenced for conspiracy to manufacture methamphetamine and use of a telephone to facilitate that conspiracy. He appeals the district court's order reducing his sentence from life in prison to 400 months of imprisonment. He contends that the reduction should have been greater and implicitly relies on U.S.S.G. § 2D1.11. He also contends for the

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

first time in his reply brief that his sentence would have been less harsh if he had had competent counsel at sentencing.

Section 2D1.11(c) specifically excludes from its coverage conspiracy to manufacture drugs, and directs that sentencing for such crimes be governed by § 2D1.1. See United States v. Bellazerius, 24 F.3d 698 (5th Cir.), cert. denied, 115 S. Ct. 375 (1994). The district court did not abuse its discretion in using § 2D1.1 rather than § 2D1.11 in determining how much to reduce Beaumont's sentence.

Regarding Beaumont's ineffective-assistance-of-counsel argument, this court does not address issues raised for the first time in a reply brief. See United States v. Prince, 868 F.2d 1379, 1386 (5th Cir.), cert. denied, 493 U.S. 932 (1989).

AFFIRMED.