

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-41013
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

KHURRAN AHMED SHAH,
also known as Bobby;
BABAR SHAH,

Defendants-Appellants.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:92-CR-7-14
- - - - -

June 17, 1997

Before SMITH, STEWART, and DENNIS, Circuit Judges.

PER CURIAM:*

Defendants appeal the denial of their motions to reconsider the denial of the Government's Fed. R. Crim. P. 35(b) motion. This court must examine the basis of its jurisdiction on its own motion if necessary. Mosely v. Cozby, 813 F.2d 659, 660 (5th Cir. 1987). The defendants' motions to reconsider were untimely because they were not filed within ten days of the entry of the

* 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 Pursuant to that Rule, the court has determined that this opinion should not be published.

district court's order denying the Government's Fed. R. Crim. P. 35(b) motion. United States v. Miramontez, 995 F.2d 56, 58 n.2 (5th Cir. 1993). Accordingly, the district court was without jurisdiction to consider the motions. Because the defendants filed "unauthorized" motions, they have appealed from the denial of "meaningless, unauthorized" motions. United States v. Early, 27 F.3d 140, 142 (5th Cir. 1994). This court affirms on the alternative basis. Id.

AFFIRMED.