

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-41285
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RAYMOND JENKINS,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:94-CR-50-9
- - - - -
October 22, 1998

Before POLITZ, Chief Judge, and WIENER and DENNIS, Circuit Judges.

PER CURIAM:*

Raymond Jenkins, prisoner # 04981-078, appeals the district court's denial of his motion to modify the fine imposed as part of his sentence. He argues that his payment obligation should be stayed during his term of imprisonment because he is not financially able to satisfy the debt at present and because the district court did not consider his inability to pay a fine.

The district court lacked jurisdiction to modify Jenkins' sentence. See United States v. Bridges, 116 F.3d 1110, 1112 (5th Cir. 1997). Although the district court's denial of Jenkins'

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

motion does not specify any basis for the denial, this court may affirm the order on the basis that jurisdiction was lacking. See Bickford v. International Speedway Corp., 654 F.2d 1028, 1031 (5th Cir. 1981).

Jenkins' motion for appointment of counsel is DENIED.

AFFIRMED. MOTION FOR APPOINTMENT OF COUNSEL DENIED.