

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-30018
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

FELIX A. RIGGIO, III, also
known as Pete, also known as Pedro,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 94-CR-158-8-N
- - - - -

June 17, 1998

Before DAVIS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:*

Felix A. Riggio, III, federal prisoner # 23668-034, appeals from the district court's denial of his petition for writ of mandamus pursuant to 28 U.S.C. § 1361. Riggio has moved this court to direct the Government to supplement the record. In response to Riggio's motion, the Government has submitted court records from another criminal proceeding. The motion is therefore GRANTED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Riggio argues that he is entitled to a writ of mandamus ordering the Government to file a motion for reduction of sentence pursuant to Fed. R. Crim. P. 35(b). We have reviewed the record and find no reversible error. Accordingly, the judgment is AFFIRMED for essentially the reasons stated by the district court. See United States v. Riggio, No. 94-CR-158-8-N (E.D. La. Oct. 29, 1997).

AFFIRMED. MOTION GRANTED.