

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-50852
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

VICKIE ANN BLUE ASSED, also known as Vickie Ann Webb, also
known as Vickie Ann Drake,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. W-90-CR-1-2
- - - - -

February 10, 1999

Before BARKSDALE and EMILIO M. GARZA, Circuit Judges.*

PER CURIAM:**

After her 1990 guilty plea and conviction for conspiracy to manufacture methamphetamine and for carrying a firearm during a felony, Vickie Ann Blue Assed was granted leave to file an out-of-time appeal. Assed argues that based on the 1993 amendment to U.S.S.G. § 2D1.1, comment.(n.1), she should be resentenced. See

*This matter is being decided by a quorum. 28 U.S.C. § 46(d).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

amendment 484, U.S.S.G. App. C (1993). The proper mechanism for reviewing such a claim is a motion brought under 18 U.S.C. § 3582(c)(2). See United States v. Posada-Rios, 158 F.3d 832, 880 (5th Cir. 1998). Accordingly, we DISMISS that portion of the appeal without prejudice to Assed's right to seek relief from the district court.

Assed also argues that the district court erred by denying her a sentence reduction based on acceptance of responsibility. We have reviewed the record and the briefs of the parties and conclude that the district court did not err in denying the reduction. See United States v. Brigman, 953 F.2d 906, 909 (5th Cir. 1992).

AFFIRMED IN PART; DISMISSED IN PART.