

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-51099
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

KEITH DWAYNE WARD, also known as
Kieth D. Waters,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. A-93-CR-124-ALL-JN
- - - - -

August 4, 1999

Before JOLLY, WIENER, and DENNIS, Circuit Judges.

PER CURIAM:*

Keith Dwayne Ward, federal prisoner # 53650-065 E/B, appeals the district court's denial of his motion to vacate the fine and restitution portions of his sentence so that he may be resentenced pursuant to a payment plan set by the district court. Ward argues that the district court improperly delegated authority for setting the payment schedule for his financial obligations to the Bureau of Prisons (BOP) and the U.S. Probation Office.

The district court lacked jurisdiction to entertain Ward's motion, and his argument that the district court improperly

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

delegated authority with respect to his fine has no basis in fact. See United States v. Hatten, 167 F.3d 884, 886-87 (5th Cir. 1999). Therefore, the district court's order is VACATED and this case is REMANDED with instructions to enter an order dismissing the motion for lack of jurisdiction. VACATED and REMANDED.