IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 06-30984
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

PHILLIP K. SIAS,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
No. 6:99-CR-60034

Before REAVLEY, SMITH, and BARKSDALE, Circuit Judges.

PER CURIAM:[*]

Phillip Sias, federal prisoner # 10304-035, appeals the denial of his 18
U.S.C. § 3582(c)(2) motion seeking reduction of sentence based on Amendment

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[*] 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should not be published and is not precedent except under the limited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.

599 to the United States Sentencing Guidelines. Sias pleaded guilty of using and carrying a firearm during the commission of a crime of violence in violation of 18 U.S.C. § 924(c)(1)(A)(ii) and was sentenced to 120 months of imprisonment. Because he was not sentenced on his conviction under § 924(c)(1)(A)(ii) in conjunction with any other conviction, Amendment 599 is not applicable to him, and the denial of his § 3582(c)(2) motion was not an abuse of discretion. See U.S.S.G. App. C, amend. 599; United States v. Pardue, 36 F.3d 429, 430 (5th Cir. 1994). Sias's appeal lacks arguable merit and is dismissed as frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983) (per curiam); 5TH CIR. R. 42.2.

Sias filed a § 3582(c)(2) motion based on Amendment 598 to the guidelines, advancing essentially the same argument presented in his current motion. His appeal from the denial of that motion was dismissed as frivolous. Sias is cautioned that further frivolous filings may result in the imposition of sanctions, including dismissal, monetary penalties, and restrictions on his ability to file appeals in this court and actions in any court subject to this court's jurisdiction.

APPEAL DISMISSED; SANCTION WARNING ISSUED.