

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-11229
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

VALDEZ LAMAR WILBURN, also known
as DERRICK LAMAR WILLIAMS,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:00-CR-9-ALL

April 10, 2002

Before SMITH, DeMOSS, and PARKER, Circuit Judges.

PER CURIAM:*

Valdez Lamar Wilburn appeals the district court's order denying his motion to modify his sentence pursuant to 18 U.S.C. § 3582(c)(2). Wilburn filed a timely notice of appeal. See United States v. Alvarez, 210 F.3d 309, 310 (5th Cir. 2000); FED. R. APP. P. 25(c); Houston v. Lack, 487 U.S. 266, 276 (1988).

Wilburn argues that Amendment 599, which amends the Application Notes for U.S.S.G. § 2K2.4, resulted in a change to the applicable sentencing guidelines, entitling him to a modification of his sentence. Amendment 599 is inapplicable to

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

this case. Wilburn's guideline sentencing range was computed under § 2K2.1, not § 2K2.4. Therefore, his claims are without merit. The district court's judgment is affirmed.

AFFIRMED.