

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-40982
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JAI XAVIER CHANEY,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:97-CR-76-ALL

February 19, 2003

Before WIENER, EMILIO M. GARZA, and CLEMENT, Circuit Judges.

PER CURIAM:*

Jai Xavier Chaney, federal inmate # 99754-011, appeals the district court's order denying his motion to modify his sentence pursuant to 18 U.S.C. § 3582(c)(2). Chaney, who is currently serving a 92-month sentence for being a convicted felon in possession of a firearm in violation of 18 U.S.C. §§ 922(g) and 924(a)(2), argues that Amendment 599, which amends the Application Notes for U.S.S.G. § 2K2.4, resulted in a change 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

the applicable sentencing guidelines, entitling him to a modification of his sentence.

Amendment 599 is inapplicable to this case. Chaney's guideline sentencing range was computed under U.S.S.G. § 2K2.1(b)(4), not U.S.S.G. § 2K2.4. Therefore, his claim is without merit. The district court's judgment is AFFIRMED.