

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

December 30, 2010

Lyle W. Cayce
Clerk

No. 10-60208
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

XIAO CHEN LIN,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 1:06-CR-109-1

Before JOLLY, GARZA, and STEWART, Circuit Judges.

PER CURIAM:*

Xiao Chen Lin, now federal prisoner # 08242-043, has appealed the district court's order denying his motion to modify his sentence under 18 U.S.C. § 3582(c)(1)(B). Lin contended in his § 3582 motion that his sentence was based upon "inaccurate and fraudulent information," that his guidelines sentence was determined incorrectly, and that errors were committed during the guilty plea proceeding. The district court determined that it lacked jurisdiction to modify Lin's sentence.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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“The district court’s jurisdiction to correct or modify a defendant’s sentence is limited to those specific circumstances enumerated by Congress in [] § 3582.” *United States v. Garcia*, 606 F.3d 209, 212 n.5 (5th Cir. 2010); *see also* § 3582(b) & (c). None of those circumstances appertain to this case. Because the appeal is frivolous, it is DISMISSED. 5TH CIR. R. 42.2.