

United States Court of Appeals for the Fifth Circuit

No. 23-10247
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 6, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

DAVID ANTOINE JOHNSON,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:01-CR-185-1

Before KING, HIGGINSON, and WILLETT, *Circuit Judges.*

PER CURIAM:*

David Antoine Johnson, federal prisoner, was convicted of two counts of brandishing a firearm in relation to a crime of violence. He now appeals from the denial of a motion seeking to compel the Government to file a motion to reduce his sentence. Johnson argues that the district court abused its discretion by denying his motion to compel.

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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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 18 U.S.C. § 3582(b). *United States v. Bridges*, 116 F.3d 1110, 1112 (5th Cir. 1997). We can discern no jurisdictional basis for Johnson’s motion to compel, and we conclude that he has “appealed from the denial of a meaningless, unauthorized motion.” *United States v. Early*, 27 F.3d 140, 142 (5th Cir. 1994). Although the district court addressed the merits of Johnson’s motion, we affirm on the alternative basis of lack of jurisdiction. *See id.*

AFFIRMED.