

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

United States Court of Appeals
Fifth Circuit

FILED

November 20, 2019

Lyle W. Cayce
Clerk

No. 19-10541
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

NEIL NICK RENE,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:12-CR-95-3

Before KING, GRAVES, and WILLETT, Circuit Judges.

PER CURIAM:*

Neil Nick Rene, federal prisoner # 26589-077, is serving 151-month concurrent prison sentences for his convictions of conspiracy to possess with intent to distribute 50 kilograms or more of marijuana and conspiracy to launder monetary instruments. He appeals the district court's dismissal of his motion seeking relief from judgment under Federal Rule of Civil Procedure

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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60(b), which he filed in his criminal case after an unsuccessful direct appeal and an unsuccessful motion to vacate under 28 U.S.C. § 2255.

As the district court explained, the Federal Rules of Civil Procedure do not govern criminal proceedings. *See* FED. R. CIV. P. 1; FED. R. CIV. P. 81. Moreover, a Rule 60(b) motion does not empower a district court to correct or modify a criminal sentence because the court’s authority to do so “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). In sum, Rene’s motion seeking a correction in the calculation of his sentence is an unauthorized motion over which the district court lacked jurisdiction. *See United States v. Early*, 27 F.3d 140, 142 (5th Cir. 1994). The judgment of the district court is AFFIRMED.