

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

December 11, 2007

No. 06-11197
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

CICERO FRED JACKSON

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:00-CR-464-ALL

Before REAVLEY, BARKSDALE, and GARZA, Circuit Judges.

PER CURIAM:*

Cicero Fred Jackson, federal prisoner # 26054-177, pleaded guilty to distribution of cocaine base. Jackson now appeals the district court's denial of his 18 U.S.C. § 3582(c)(2) motion. This court reviews a district court's refusal to lower a defendant's sentence under § 3582(c)(2) for abuse of discretion. *United States v. Shaw*, 30 F.3d 26, 28 (5th Cir. 1994).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Jackson's contention that his sentence is subject to modification in light of *United States v. Booker*, 543 U.S. 220 (2005), is without merit. Section 3582(c)(2) is inapplicable because *Booker* did not involve a retroactive amendment to the Sentencing Guidelines by the Sentencing Commission. See *Shaw*, 30 F.3d at 28; § 3582(c)(2).

Jackson's appeal is dismissed as frivolous. See 5TH CIR. R. 42.2; *Howard v. King*, 707 F.2d 215, 219-20 (5th Cir. 1983). We caution Jackson that further frivolous filings may result in the imposition of sanctions, including dismissal, monetary penalties, and restrictions on his ability to file appeals in this court and actions in any court subject to this court's jurisdiction.

APPEAL DISMISSED; SANCTION WARNING ISSUED.