

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

United States Court of Appeals
Fifth Circuit

FILED

June 16, 2010

Lyle W. Cayce
Clerk

No. 10-10015
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JAIME SANTOS-RAMOS,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:07-CR-165-1

Before JOLLY, WIENER, and ELROD, Circuit Judges.

PER CURIAM:*

Defendant-Appellant Jaime Santos-Ramos (Santos), federal prisoner # 36854-177, pleaded guilty to aiding and abetting the possession with intent to distribute 100 kilograms or more of marijuana, and he was sentenced to 96 months of imprisonment and five years of supervised release. In his appeal of the district court's denial of his motion for reduction of sentence, identified as arising under 18 U.S.C. § 3582(c)(2), Santos contends that the district court erroneously calculated the advisory sentencing guidelines range when it failed

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

to reduce his offense level for his minimal role in the offense and when it attributed a larger quantity of marijuana to him.

Section 3582(c) provides the statutory basis for the district court to reduce a term of imprisonment, viz., (1) on motion of the Director of the Bureau of Prisons (BOP), (2) when authorized by FED. R. CRIM. P. 35 or statute, or (3) if the defendant's guidelines range has been lowered subsequently. None of these conditions is present in this case. *See* § 3582(c); FED. R. CRIM. P. 35(a), (b). Likewise, because Santos did not file a notice of appeal from his judgment of conviction, 18 U.S.C. § 3742 is not available as a jurisdictional basis for his motion. *See* § 3742; *see also United States v. Early*, 27 F.3d 140, 142 (5th Cir. 1994).

Consequently, Santos's motion is an unauthorized motion without a jurisdictional basis. *See Early*, 27 F.3d at 142. The district court's denial of Santos's motion for reduction of his sentence is
AFFIRMED.