

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

United States Court of Appeals
Fifth Circuit

FILED

October 18, 2013

Lyle W. Cayce
Clerk

No. 13-10263
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ALFRED BROOKS,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:98-CR-84-2

Before REAVLEY, JONES, and PRADO, Circuit Judges.

PER CURIAM:*

Alfred Brooks, federal prisoner # 30337-077, appeals the district court's denial of the Government's motion for a sentence reduction under Federal Rule of Criminal Procedure 35(b). Brooks asserts generally that the district court erred in finding that he did not provide substantial assistance and in finding that he made misrepresentations in his previous motion for a sentence reduction.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 13-10263

"[A] federal court always has jurisdiction to determine its own jurisdiction." *United States v. Ruiz*, 536 U.S. 622, 628 (2002); *United States v. Lightfoot*, 724 F.3d 593, 595 (5th Cir. 2013). Section 3742, 18 U.S.C., authorizes this court to consider a defendant's appeal of an otherwise final sentence when the defendant argues that the sentence was imposed in violation of law; was imposed as a result of an incorrect application of the sentencing guidelines; was greater than the advisory guidelines range; or was imposed for an offense for which there is no sentencing guideline and is plainly unreasonable. § 3742(a). We must consider Brooks's arguments regarding the denial of the Government's Rule 35(b) motion to determine our jurisdiction. *See Lightfoot*, 724 F.3d at 595. Brooks does not raise any arguments that fall within the parameters of § 3742(a). Therefore, we do not have jurisdiction to review the district court's denial of the Rule 35(b) motion. *See Lightfoot*, 724 F.3d at 595-96.

APPEAL DISMISSED.