

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

January 5, 2021

Lyle W. Cayce
Clerk

No. 19-11316
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

MANUEL GARCIA,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:05-CR-177-1

Before HIGGINBOTHAM, JONES, and COSTA, *Circuit Judges.*

PER CURIAM:*

Manuel Garcia pleaded guilty to possession with intent to distribute 500 grams or more of a mixture and substance containing a detectable amount of cocaine, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B), and to possession of a firearm in furtherance of a drug trafficking crime, in violation

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 19-11316

of 18 U.S.C. § 924(c). The district court sentenced Garcia to a total aggregate sentence of 327 months of imprisonment. This court affirmed Garcia’s conviction and sentence on direct appeal. *United States v. Garcia*, 224 F. App’x 426, 427 (5th Cir. 2007).

Garcia appeals the district court’s denial of his self-styled “Motion Pursuant to 18 U.S.C. § 3742.” Section 3742 does not provide a jurisdictional basis for a post-appeal motion to reduce a sentence. *United States v. Early*, 27 F.3d 140, 142 (5th Cir. 1994). “The provisions for modification of a sentence under § 3742 are available to a defendant only upon direct appeal of a sentence or conviction.” *Id.*

We AFFIRM the judgment of the district court on the ground that the court lacked a jurisdictional basis to consider Garcia’s “meaningless, unauthorized motion.” *Id.*