IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

No. 13-11064
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
July 8, 2014
Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ALEX NOEL MENDOZA-CANO,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:10-CR-4-2

Before JOLLY, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:*

Alex Noel Mendoza-Cano, federal prisoner # 39625-177, was convicted of possession of cocaine with intent to distribute and was sentenced to serve 102 months in prison and a five-year term of supervised release. In this appeal, he challenges the district court's denial of the motion for reconsideration he filed with respect to his unsuccessful motion for modification of sentence under 18 U.S.C. § 3582(c)(1)(B). As he did in the district court, Mendoza-Cano insists

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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that he is entitled to relief because his guidelines calculations were flawed and because *Alleyne v. United States*, 133 S. Ct. 2151 (2013), provides for such relief.

He is mistaken, and his arguments do not show that the district court abused its discretion in connection with its rejection of his motions. *See United States v. Evans*, 587 F.3d 667, 672 (5th Cir. 2009) (§ 3582(c)(2)); *Martinez v. Johnson*, 104 F.3d 769, 771 (5th Cir. 1997). Although Mendoza-Cano invoked § 3582(c)(1)(B), his claims do not fit within the confines of that subsection, nor do these claims fall under the strictures of the other subsections of § 3582(c). Consequently, the district court did not abuse its discretion by denying his § 3582(c) motion. *See Evans*, 587 F.3d at 672; *see also United States v. Garcia*, 606 F.3d 209, 212 n.5 (5th Cir. 2010). Because *Alleyne* does not affect this conclusion, the district court likewise did not abuse its discretion by denying his motion for reconsideration. *See Martinez*, 104 F.3d at 771. The judgment of the district court is AFFIRMED.