

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-10377  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RONALD EARL GREEN,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:93-CR-204-D  
- - - - -

(October 19, 1995)

Before POLITZ, Chief Judge, and REAVLEY and SMITH, Circuit Judges.

PER CURIAM:\*

Ronald Earl Green argues that the disparity in the penalty provisions and sentencing guidelines applicable to crack cocaine and cocaine powder violates his equal protection and due process rights and constitutes cruel and unusual punishment under the Eighth Amendment. The disparate sentencing provisions for crack cocaine and cocaine powder in the sentencing guidelines do not violate constitutional due process guarantees. See United States

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\* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the court has determined that this opinion should not be published.

v. Watson, 953 F.2d 895, 897 (5th Cir.), cert. denied, 504 U.S. 928 (1992). We have rejected the argument that the guidelines applicable to crack cocaine violate equal protection because they have a discriminatory effect on African-Americans. Id. at 897-98. We also have rejected an Eighth Amendment challenge to the disparity of the penalties imposed for crack cocaine. See United States v. Fisher, 22 F.3d 574, 579-80 (5th Cir.), cert. denied, 115 S. Ct. 529 (1994).

AFFIRMED.