

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-10979
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SHERRY B. GROEPLER,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:94-CV-809-H
- - - - -

April 25, 1997

Before JONES, DeMOSS and PARKER, Circuit Judges.

PER CURIAM:*

Sherry A. Groepler, # 13698-018, appeals the district court's denial of her motion to vacate, set aside, or correct sentence brought pursuant to 28 U.S.C. § 2255. We need not determine whether Groepler needs a certificate of appealability (COA) under the newly enacted Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), Pub. L. No. 104-132, 110 Stat. 1214 (1996); 28 U.S.C. § 2253(c)(1)(B). After reviewing the record

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

and the arguments on appeal, we would neither grant a COA if the amendment applies, nor would we grant relief under the unamended version of § 2255. We make this determination for substantially the reasons adopted by the district court. United States v. Groepler, 3:94-CV-809-H (N.D. Tex., Aug. 22, 1995). In addition, we hold that Groepler has not demonstrated plain error in arguing that the sentencing guidelines unconstitutionally discriminate against women.

AFFIRMED.