

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-40301  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DANYELL DEONCORE WATERS,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 6:94-CR-48-2  
- - - - -

November 6, 1995

Before KING, SMITH, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Danyell Deoncore Waters appeals from the district court's judgment of conviction, after entry of a conditional guilty plea, for conspiring to possess with intent to distribute cocaine base. He argues that the district court erred by denying his to suppress, by increasing his base offense level pursuant to U.S.S.G. § 2D1.1(b)(1) for possession of a firearm during a drug-trafficking offense, by failing to reduce his base offense level

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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 Pursuant to that Rule, the court has determined that this opinion should not be published.

under § 3B1.2 for minor/minimal participant status, and that § 2D1.1 is violative of the Fourteenth Amendment as racially discriminatory. Finding that the district court committed no error and that Waters' contentions are unavailing, we AFFIRM.