

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-20585
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

OTIS GEORGE BRADEN,

Defendant-Appellant.

Appeal from the United States District Court for the
Southern District of Texas
USDC No. H-95-CR-255

April 11, 1997

Before KING, JOLLY, and DENNIS, Circuit Judges.

PER CURIAM:*

Otis George Braden appeals his guilty plea conviction and sentence for possession with intent to distribute cocaine base. Braden's unconditional guilty plea bars him from challenging the district court's ruling on his pretrial discovery motion. See United States v. Smallwood, 920 F.2d 1231, 1240 (5th Cir. 1991). Furthermore, the district court did not commit plain error by failing to find that sentencing guideline and statutory provisions

*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

relating to the carrying of a weapon during an offense were unconstitutional. See United States v. Owens, 996 F.2d 59, 61 (5th Cir. 1993). Finally, the court did not commit plain error in refusing to make a downward departure from the sentencing guidelines based upon the fact that Braden's behavior was "aberrant." See United States v. Burleson, 22 F.3d 93, 95 (5th Cir. 1994).

A F F I R M E D.