

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-40929
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DAVID MEEKS,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:96-CR-26-1
- - - - -

February 11, 1998

Before SMITH, EMILIO M. GARZA, and DeMOSS, Circuit Judges.

PER CURIAM:*

David Meeks appeals his sentence following his guilty-plea conviction for possession with the intent to distribute crack cocaine. He argues that the disparate sentencing provisions for crack cocaine and cocaine powder contained in the Sentencing Guidelines offend the Equal Protection and Due Process Clauses of the Constitution.

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

We have reviewed the record and the briefs of the parties and find no reversible error in Meeks's sentence. See United States v. Meeks, No. 6:96CR00026-001 (E.D. Tex. July 29, 1997). Because Meeks's argument of error is wholly without merit, this appeal is frivolous and is DISMISSED. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5th Cir. R. 42.2.