

August 17, 2005

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-60763  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GREG THOMAS,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Mississippi  
USDC No. 3:02-CR-80-ALL  
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Before BENAVIDES, CLEMENT, and PRADO, Circuit Judges.

PER CURIAM:\*

Greg Thomas appeals from a guilty plea conviction for distribution of over 50 grams of cocaine base. See 21 U.S.C. § 841(a)(1), (b)(1)(A).

For the first time on appeal, Thomas argues that the district court erred in imposing a sentence under a mandatory guideline scheme, in violation of United States v. Booker, 125 S. Ct. 738, 756-57 (2005). We review for plain error. See United States v. Martinez-Lugo, 411 F.3d 597, 600 (5th Cir.

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

2005). Thomas makes no showing, as required by Martinez-Lugo, that the district court would likely have sentenced him differently under an advisory sentencing scheme. Similarly, there is no indication from the district court's remarks at sentencing that the district court would have reached a different conclusion. Thomas has failed to meet his burden to show that the district court's imposition of a sentence under a mandatory guideline scheme was plain error. See Martinez-Lugo, 411 F.3d at 601.

AFFIRMED.