

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-50740
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PATRICK ZEDELL CLARK,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. A-94-CR-100

March 6, 1996

Before DAVIS, BARKSDALE and DeMOSS, Circuit Judges.

PER CURIAM:*

Patrick Zedell Clark appeals his conviction and sentence for possession of with intent to distribute cocaine base, in violation of 21 U.S.C. § 841(a). He argues that the disparity between the statutory penalties for offenses involving "crack" cocaine and offenses involving other types of cocaine violates his equal protection and due process rights. Clark, however, waived the right to appeal pursuant to a valid provision in his plea agreement. See United States v. Melancon, 972 F.2d 566, 568 (5th Cir. 1992).

APPEAL DISMISSED.

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.