

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-40988  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

KENNETH P. MITCHELL,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. C-95-CR-133-1  
- - - - -

September 6, 1996

Before HIGGINBOTHAM, DeMOSS and PARKER, Circuit Judges.

PER CURIAM:\*

Kenneth P. Mitchell appeals his conviction for possession with intent to distribute cocaine base. The record is not devoid of evidence that Mitchell intended to distribute the cocaine base. United States v. Laury, 49 F.3d 145, 151 (5th Cir.), cert. denied, 116 S. Ct. 162 (1995).

AFFIRMED.

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.