

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-60217  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellant,

versus

DENNIS R. PADEN,

Defendant-Appellee.

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Appeal from the United States District Court for the  
Southern District of Mississippi  
USDC No. 3:88CR00068LN

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August 8, 1996  
Before GARWOOD, JOLLY, and DENNIS, Circuit Judges.

PER CURIAM:\*

Dennis R. Paden, # 47044-079, challenges his conviction and sentence on the basis that the district court lacked subject matter jurisdiction. The statute setting forth the offense to which he pleaded guilty, 18 U.S.C. § 844(I), is not unconstitutional. See Russell v. United States, 471 U.S. 858 (1985); United States v.

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\*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Shively, 927 F.2d 804, 807-09 (5th Cir.), cert. denied, 510 U.S. 1209 (1991). The defendant's contention that the government manufactured or withheld evidence is frivolous.

APPEAL DISMISSED. See 5th Cir. R. 42.2.