

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-10377
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ADRIUM CLARK,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:01-CR-177-2-A

January 8, 2003

Before JONES, STEWART, and DENNIS, Circuit Judges.

PER CURIAM:*

Adrium Clark appeals his 438-month sentence from his guilty-plea conviction for one count of bank robbery and two counts of using or carrying a firearm in connection with a crime of violence. Clark argues that the district court's imposition of consecutive sentence terms is grossly disproportionate to his offenses and constitutes cruel and unusual punishment under the Eighth Amendment. Clark raises this argument for the first time on

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

appeal. Therefore, it is reviewed for plain error. See United States v. Vital, 68 F.3d 114, 119 (5th Cir. 1995).

When evaluating an Eighth Amendment proportionality challenge, this court makes a threshold comparison between the gravity of the charged offense and the severity of the sentence. See McGruder v. Puckett, 954 F.2d 313, 316 (5th Cir. 1992). Only if the sentence is grossly disproportionate to the offense does the court go on to compare the sentence at issue with (1) sentences imposed for other crimes in the same jurisdiction and (2) sentences imposed for the same crime in other jurisdictions. Id.

The statutes under which Clark pleaded guilty mandated consecutive terms of imprisonment. 18 U.S.C. § 924(c)(1)(D), (c)(1)(A)(i). The record contains an extensive history of violent crimes committed by Clark. See McGruder, 954 F.3d at 317. Accordingly, his statutorily-mandated sentence was not grossly disproportionate to his offenses. The judgment and sentence of the district court is AFFIRMED.