

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

April 22, 2011

Lyle W. Cayce
Clerk

No. 09-30511
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ZACHARY THOMAS,

Defendant-Appellant

Appeals from the United States District Court
for the Western District of Louisiana
USDC No. 2:08-CR-295-1

Before JONES, Chief Judge, and SMITH and CLEMENT, Circuit Judges.

PER CURIAM:*

Zachary Thomas pleaded guilty to possession with intent to distribute methamphetamine and possession of firearms in furtherance of a drug trafficking crime. He was sentenced to, inter alia, a 120-month prison term on the drug trafficking count and, pursuant to 18 U.S.C. § 924(c)(1)(A)(i), a consecutive 60-month prison term on the related firearms conviction. Thomas filed a timely notice of appeal.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 09-30511

In his sole issue for review, Thomas argues that the district court erred in sentencing him to a mandatory five-year minimum sentence under § 924(c)(1)(A)(i) when the predicate drug offense carried a greater minimum sentence. This argument has been rejected by both this court and the United States Supreme Court. *Abbott v. United States*, 131 S. Ct. 18, 22-23 (2010); *United States v. London*, 568 F.3d 553, 564 (5th Cir. 2009), *cert. denied*, 131 S. Ct. 631 (2010). Consequently, the judgment of the district court is AFFIRMED.