

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

United States Court of Appeals
Fifth Circuit

FILED

March 2, 2011

Lyle W. Cayce
Clerk

No. 10-50321
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

VERNON EUGENE PETERS, also known as Vernon Peters,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 6:09-CR-244-1

Before WIENER, PRADO, and OWEN, Circuit Judges.

PER CURIAM:*

Defendant-Appellant Vernon Eugene Peters pleaded guilty to one count of possessing at least 50 grams of crack cocaine with intent to distribute and one count of possessing a firearm during the commission of a drug trafficking crime. He was sentenced to serve a 120-month prison term on the drug possession count as well as a 60-month prison term on the firearms conviction, the latter sentence to run consecutively to the former, pursuant to 18 U.S.C. § 924(c)(1)(A)(i).

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 10-50321

In the sole issue raised in this direct appeal, Peters contends that the district court erred by sentencing him to a mandatory five-year minimum sentence under § 924(c)(1)(A)(i) because his 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.), *cert. denied*, 131 S. Ct. 631 (2010).

The judgment of the district court is AFFIRMED.