

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-10570  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHESTER GLENN BROWN, a/k/a  
Sealed Defendant 1, a/k/a, Baldy,  
a/k/a Gangsta,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:95-CR-025-H

- - - - -  
February 29, 1996

Before GARWOOD, JONES, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Chester Glenn Brown appeals his guilty-plea conviction of conspiracy to distribute cocaine base. Section 841, Title 21, of the United States Code does not violate the Commerce Clause, and the sentencing disparity between powder cocaine and crack cocaine does not violate equal protection rights. See United States v. Clark, 67 F.3d 1154, 1165 (5th Cir. 1995); United States v. Cherry, 50 F.3d 338, 342-44 (5th Cir. 1995). The appeal is without arguable merit and thus frivolous.

APPEAL DISMISSED.

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

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