

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-30330
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

VERSUS

BRIAN KEITH SCOTT,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Louisiana
(94-84)

June 27, 1996

Before SMITH, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Brian Scott challenges his sentence for possession with intent to distribute cocaine base. He argues that the statutory penalties for cocaine base and cocaine offenses are sufficiently ambiguous as to warrant the application of the rule of lenity. We have recently decided this issue adversely to Scott's contentions. *See, e.g.,*

Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

United States v. Martin, No. 95-30335 (5th Cir. Feb. 5, 1996) (per curiam) (unpublished); *United States v. Lewis*, No. 95-60131 (5th Cir. Oct. 19, 1995) (per curiam) (unpublished); *United States v. Lampkin*, No. 95-30131 (5th Cir. Aug. 25, 1995) (unpublished).

AFFIRMED.