

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-30484  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JAMES D. SHAFFER,

Defendant-Appellant.

- - - - -  
Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. CR-94-30020  
- - - - -

January 18, 1996

Before DAVIS, BARKSDALE and DeMOSS, Circuit Judges.

PER CURIAM:\*

James D. Shaffer appeals his conviction and sentence for conspiracy to distribute cocaine base and distribution of cocaine base. Shaffer argues that the district court abused its discretion by admitting into evidence a tape recording of the drug transaction; the evidence is insufficient; and the district court should have based his sentence on the Sentencing Guidelines for powdered cocaine rather than the crack cocaine guidelines. Finding no reversible error, we AFFIRM.

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.