

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-10489  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

KEVIN WHITE,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 7:95-CR-15-X  
- - - - -

April 17, 1997

Before REAVLEY, DAVIS, and BARKSDALE, Circuit Judges.

PER CURIAM:\*

Kevin White appeals from his sentence following his conviction for conspiracy to possess with intent to distribute a controlled substance. He argues that the heightened penalty provisions for cocaine base contained in the sentencing guidelines violated his rights to due process and equal protection and that the district court erred by overruling his

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

objection to the PSR based upon sentencing entrapment. We have reviewed the record and find no reversible error. This court has held that the disparate sentencing provisions for crack cocaine and cocaine powder contained in the sentencing guidelines do not offend constitutional due process or equal protection guarantees. See United States v. Watson, 953 F.2d 895, 897 (5th Cir. 1992). The court declines to address the second issue raised by White on appeal because he has waived his right to appeal his sentence. See United States v. Portillo, 18 F.3d 290, 293 (5th Cir. 1994). Accordingly, the judgment of the district court is AFFIRMED.