

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

United States Court of Appeals  
Fifth Circuit

**FILED**

April 19, 2011

Lyle W. Cayce  
Clerk

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No. 10-30130  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

SCHMANISKY V. BROADWAY,

Defendant-Appellant

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 5:09-CR-207-1

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Before JOLLY, OWEN, and HAYNES, Circuit Judges.

PER CURIAM:\*

Schmanisky V. Broadway pleaded guilty to one count of conspiracy to possess with intent to distribute five kilograms or more of cocaine and one count of possessing a firearm during and in relation to a drug trafficking offense. He was sentenced to serve a 240-month prison term on the drug count as well as a consecutive 60-month prison term on the firearms conviction pursuant to 18 U.S.C. § 924(c)(1)(A)(i).

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\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 10-30130

In the sole issue raised on appeal, Broadway argues that the district court erred by sentencing him to a consecutive 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, 23 (2010); *United States v. London*, 568 F.3d 553, 564 (5th Cir. 2009), *cert. denied*, 131 S. Ct. 631 (2010).

AFFIRMED.