
No. 95-3723

Billy Lee Smith,	*
	*
Appellant,	*
	*
v.	* Appeal from the United States
	* District Court for the
United States of America,	* Western District of Arkansas.
	* [UNPUBLISHED]
Appellee.	*
	*

Submitted: December 6, 1996

Filed: December 12, 1996

Before FAGG, WOLLMAN, and MURPHY, Circuit Judges.

PER CURIAM.

Billy Lee Smith was convicted by a jury of possession of ephedrine, a listed chemical, with intent to manufacture methamphetamine, in violation of 21 U.S.C. § 841(d)(1). He was sentenced to 92 months of imprisonment and a \$10,000 fine, and his conviction was affirmed on direct appeal. The present appeal is taken from district court's¹ denial of Smith's motion pursuant to 28 U.S.C. § 2255.

After careful consideration of the record and the parties' briefs, we conclude that the district court correctly dismissed Smith's motion, and that an opinion would lack precedential value. Accordingly, we affirm. See 8th Cir. R. 47B.

¹The Honorable H. Franklin Waters, Chief Judge, United States District Court for the Western District of Arkansas, adopting the report and recommendation of the Honorable Beverly R. Stites, United States Magistrate Judge for the Western District of Arkansas.

A true copy.

Attest:

CLERK, U. S. COURT OF APPEALS, EIGHTH CIRCUIT.