

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 97-2208MN

United States of America,

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Appellee,

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Appeal from the United States
District Court for the District of
Minnesota.

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v.

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Malachi Andrews,

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[UNPUBLISHED]

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Appellant.

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Submitted: September 4, 1997

Filed: September 11, 1997

Before FAGG, BOWMAN, and MURPHY, Circuit Judges.

PER CURIAM.

After Malachi Andrews was sentenced for drug-related charges, including using a firearm during a drug offense, the Supreme Court decided Bailey v. United States, 116 S. Ct. 501 (1995). In light of Bailey, the district court vacated the sentence originally imposed on the firearm conviction and imposed a revised sentence on Andrews's drug conviction with an enhancement based on his possession of a firearm. On appeal, Andrews contends the district court improperly resentenced him on his drug conviction. Andrews's arguments, however, are foreclosed by our recent decision in United States v. Harrison, 113 F.3d 135, 137-38 (8th Cir. 1997). We thus affirm Andrews's revised drug sentence. See 8th Cir. R. 47B.

A true copy.

Attest:

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