

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 97-3356

United States of America,

Appellee,

v.

Benjamin F. Shipley, Jr.,

Appellant.

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* Appeal from the United States

* District Court for the Western

* District of Arkansas.

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[UNPUBLISHED]

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Submitted: January 7, 1998

Filed: January 12, 1998

Before WOLLMAN, LOKEN, and HANSEN, Circuit Judges.

PER CURIAM.

After Benjamin Shipley pleaded guilty to armed bank robbery, the district court¹ sentenced him to life imprisonment under 18 U.S.C. § 3559(c)(1)(A)(I) (requiring mandatory sentence of life imprisonment for certain violent felons). For reversal, Shipley contends section 3559(c)(1)(A)(I) violates his Fifth Amendment rights to equal protection and due process, as well as his Eighth Amendment right to be free from cruel and unusual punishment. We affirm Shipley's sentence.

¹The HONORABLE H. FRANKLIN WATERS, United States District Judge for the Western District of Arkansas.

Shipley's equal protection and Eighth Amendment contentions are foreclosed by United States v. Farmer, 73 F.3d 836, 839-41 (8th Cir.), cert. denied, 116 S. Ct. 2570 (1996), and we also reject his due process challenge. See United States v. Washington, 109 F.3d 335, 338 (7th Cir.) (§ 3559(c)(10(A)(i) does not violate due process), cert. denied, 118 S. Ct. 134 (1997); cf. United States v. Prior, 107 F.3d 654, 658 (8th Cir. 1997) (upholding 21 U.S.C. § 841(b)(1)(A)(viii) against due process attack).

Accordingly, we affirm.

A true copy.

Attest:

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