

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 97-3621

United States of America,

Appellee,

v.

Roland Rogers,

Appellant.

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Appeal from the United States
District Court for the
Eastern District of Missouri.

[UNPUBLISHED]

Submitted: February 3, 1998
Filed: February 12, 1998

Before McMILLIAN, LOKEN, and MURPHY, Circuit Judges.

PER CURIAM.

Roland Rogers pleaded guilty to possessing crack cocaine with intent to distribute, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(A), and to possessing cocaine with intent to distribute, in violation of section 841(a)(1). Although Rogers objected to the use of the Guidelines for crack cocaine, rather than for cocaine, arguing the heightened crack cocaine penalties violated his Fifth Amendment right to equal protection, the district court¹ denied the objection and sentenced Rogers to two

¹The Honorable Stephen N. Limbaugh, United States District Judge for the Eastern District of Missouri.

concurrent terms of 121 months imprisonment, and five years supervised release. Rogers now appeals, and we affirm, because Rogers's challenge is foreclosed by our prior decisions upholding the constitutionality of the 100-to-1 ratio. See, e.g., United States v. Carter, 91 F.3d 1196, 1197-99 (8th Cir. 1996) (per curiam); United States v. Jackson, 67 F.3d 1359, 1367 (8th Cir. 1995), cert. denied, 116 S. Ct. 1684 (1996).

Accordingly, we affirm the judgment of the district court.

A true copy.

Attest:

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