

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 97-4300EA

United States of America,	*	
	*	
Appellee,	*	Appeal from the United States
	*	District Court for the Eastern
v.	*	District of Arkansas.
	*	
Gina Lee Patton,	*	[UNPUBLISHED]
	*	
Appellant.	*	

Submitted: April 23, 1998
Filed: April 27, 1998

Before FAGG, BEAM, and HANSEN, Circuit Judges.

PER CURIAM.

Gina Lee Patton appeals her guidelines sentence for possessing with intent to distribute cocaine base (crack). On appeal, Patton renews her constitutional challenge to the 100-to-1 ratio used in establishing the guidelines range for powder and crack cocaine. Patton contends Congress acted with a discriminatory purpose when it rejected the Sentencing Commission's proposed amendment to equalize the sentencing ranges for powder and crack cocaine offenses. Patton's contention, however, is foreclosed by our decision in United States v. Carter, 91 F.3d 1196, 1197-99 (8th Cir. 1996). We thus affirm Patton's sentence. See 8th Cir. R. 47B.

A true copy.

Attest:

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