

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

April 16, 2008

No. 07-51112
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

BRANDON DONNELL BRATCHER

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:06-CR-62-ALL

Before PRADO, OWEN, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Brandon Donnell Bratcher presents an issue that he concedes is foreclosed. In *United States v. Phillips*, 382 F.3d 489, 499-500 (5th Cir. 2004), we held that the offense of possessing a controlled substance within a school zone under 21 U.S.C. § 860 is not subject to safety valve relief under 18 U.S.C. § 3553(f). The Government's motion for summary affirmance is GRANTED, and the judgment

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

of the district court is AFFIRMED. The motion for an extension of time in which to file a brief is DENIED.