

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

January 19, 2010

Charles R. Fulbruge III
Clerk

No. 09-60317

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

THADDEUS LORENZO PATTERSON,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 1:05-CR-124-1

Before GARZA, CLEMENT, and OWEN, Circuit Judges.

PER CURIAM:*

Thaddeus Lorenzo Patterson appeals from his guilty plea conviction for conspiracy to distribute and possess with intent to distribute cocaine hydrochloride (powder cocaine). Because Patterson's offense involved 501.5 grams of powder cocaine, he was subject to the 60-month mandatory minimum sentence pursuant to 21 U.S.C. § 841(b)(1)(B)(ii). He was sentenced to 60 months of imprisonment and five years of supervised release.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

On appeal, Patterson argues that imposition of the statutory minimum sentence violated his Eighth Amendment guarantee against cruel and unusual punishment and his Fifth Amendment right to due process. As he has failed to show that his sentence is grossly disproportionate to the severity of his crime, his Eighth Amendment claim fails. *See United States v. Gonzales*, 121 F.3d 928, 942 (5th Cir. 1997). Moreover, despite Patterson's arguments to the contrary, the statutory minimum sentence was not based upon an arbitrary distinction that resulted in a violation of his due process rights. *See United States v. Rojas-Martinez*, 968 F.2d 415, 420 (5th Cir. 1992).

The judgment of the district court is AFFIRMED.