

UNITED STATES COURT OF APPEALS

Filed 8/12/96

TENTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

vs.

BRANDON C. ALLEN,

Defendant - Appellant.

No. 96-3006
(D.C. No. 92-CR-40004)
(D. Kan.)

ORDER AND JUDGMENT*

Before SEYMOUR, Chief Judge, KELLY and LUCERO, Circuit Judges.**

Defendant Brandon C. Allen pled guilty to possession with intent to distribute approximately 180 grams of crack cocaine and was sentenced to 120 months. Defendant moved to vacate his sentence under 28 U.S.C. § 2255, which the district court denied.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. This court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

** After examining the briefs and the appellate record, this three-judge panel has determined unanimously that oral argument would not be of material assistance in the determination of this appeal. See Fed. R. App. P. 34(a); 10th Cir. R. 34.1.9. The cause is therefore ordered submitted without oral argument.

We have jurisdiction under 28 U.S.C. § 1291 and affirm for substantially the same reasons given by the district court, 1 R. doc. 75.

AFFIRMED. The mandate shall issue forthwith.

Entered for the Court

Paul J. Kelly, Jr.
Circuit Judge