

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-6731

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JERRY JUNIOR WILLIS,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, District Judge. (CR-91-100, CA-96-5)

Submitted: September 30, 1997

Decided: November 4, 1997

Before HALL and HAMILTON, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Jerry Junior Willis, Appellant Pro Se. Bruce Charles Johnson, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Jerry Junior Willis appeals the district court's order denying his post-judgment motions. Regarding his challenge of the 100:1 ratio of crack to cocaine, we find no error and affirm on the reasoning of the district court. United States v. Willis, Nos. CR-91-100; CA-96-5 (E.D.N.C. Mar. 25, 1997). Regarding his allegations of denial of an opportunity to respond and an invalid conviction under Bailey v. United States, ___ U.S. ___, 64 U.S.L.W. 4039 (U.S. Dec. 6, 1995) (Nos. 94-7448, 94-7492), we find that such allegations would be properly denied under Rule 5 of the Rules Governing Section 2255 Proceedings, United States v. Mitchell, 104 F.3d 649, 653 (4th Cir. 1997), and United States v. Hudgins, 120 F.3d 483, 487-88 (4th Cir. 1997). Accordingly, we affirm. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED