

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-40929
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CARLOS LUIS CASTENADA,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:00-CR-4-12

February 20, 2002

Before JOLLY, JONES, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Carlos Luis Castenada appeals from a guilty-plea conviction for possession with intent to distribute cocaine base. Castenada argues that the district court erred by imposing an overlong term of supervised release in excess of the statutory maximum for the charged offense. The Government concedes that our prior decisions require modification of Castenada's supervised-release term. We find that Castenada's four-year term of supervised release exceeds the statutory maximum of three years. See

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Apprendi v. New Jersey, 530 U.S. 466, 490 (2000); United States v. Doggett, 230 F.3d 160, 162 (5th Cir. 2000). We therefore modify Castenada's supervised release to the statutorily mandated three-year term. See Doggett, 230 F.3d at 165 n.2.

AFFIRMED AS MODIFIED.