

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-41316
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JAJUAN LOVEJOY,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. B-00-CR-298-2

December 12, 2002

Before JOLLY, JONES, and CLEMENT, Circuit Judges.

PER CURIAM:*

Jajuan Lovejoy appeals his guilty-plea conviction for possession with intent to distribute 2.3 kilograms of cocaine. Lovejoy contends that 21 U.S.C. §§ 841(a) & (b) are facially unconstitutional in light of Apprendi v. New Jersey, 530 U.S. 466 (2000).

As Lovejoy concedes, his argument is foreclosed by this court's decision in United States v. Slaughter, 238 F.3d 580, 582 (5th Cir. 2000), cert. denied., 532 U.S. 1045 (2001). He raises the issue only to preserve it for Supreme Court review. The judgment of the district court is AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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