

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-40819  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GLORIA SALAZAR SALDANA,  
also known as Margarita Camarillo-Ponce,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. M-95-CR-234-1  
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December 4, 2002

Before HIGGINBOTHAM, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Gloria Salazar-Saldana appeals her conviction of importation of marijuana into the country. She challenges the district court's determination that her right to a speedy trial was not violated and the court's denial of her motion to dismiss the indictment. She also argues that 21 U.S.C. § 960(b)'s penalty provisions are unconstitutional in light of Apprendi v. New Jersey, 530 U.S. 466 (2000).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The district court's weighing of the Barker v. Wingo, 407 U.S. 514, 530 (1972), four factors was correct. Saldana's right to a speedy trial was not violated given that the six-year delay was primarily due to her returning to the United States without notifying authorities. Her Apprendi argument is without merit. See United States v. Slaughter, 238 F.3d 580, 581-82 (5th Cir. 2000), cert. denied, 532 U.S. 1045 (2001).

AFFIRMED.