

April 24, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-41195
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JAIME ARMANDO HERNANDEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. M-01-CR-804-1

Before DAVIS, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Jaime Armando Hernandez appeals his guilty-plea conviction for importing more than 50 kilograms of marihuana in violation of 21 U.S.C. §§ 952(a) and 960(a)(1),(b)(3). Hernandez argues that 21 U.S.C. §§ 952 and 960 are facially unconstitutional in light of Apprendi v. New Jersey, 530 U.S. 466 (2000). He acknowledges that his argument is foreclosed by this court's decision in United States v. Slaughter, 238 F.3d 580, 582 (5th

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Cir. 2000), and he raises the issue only to preserve it for review in the Supreme Court.

Slaughter applies by analogy to the instant case because the statutes at issue are similar in structure and content. One panel of this court may not overrule another. See United States v. Fowler, 216 F.3d 459, 460 (5th Cir. 2000).

The judgment of the district court is AFFIRMED.