

August 20, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-40018  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CONCEPCION GARZA-GONZALEZ,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. M-02-CR-372-1  
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Before JONES, WIENER, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Concepcion Garza-Gonzalez appeals his conviction following his guilty plea to importing 45.125 kilograms of marijuana in violation of 21 U.S.C. §§ 952(a), 960(a)(1) and(b)(4), and 18 U.S.C. § 2. Garza-Gonzalez argues that §§ 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 Cir. 2000), cert. denied,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

532 U.S. 1045 (2001), but 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, 461 (5th Cir.), cert. denied, 531 U.S. 960 (2000).

The judgment of the district court is AFFIRMED.