

FILED

June 23, 2004

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 03-40390
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JESUS TABAREZ-RAMIREZ,
also known as Pablo Rodriguez,
also known as Jose Jesus Tabarez-Ramirez,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. M-01-CR-646-2

Before BARKSDALE, DeMOSS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Jesus Tabarez-Ramirez (Tabarez) appeals his guilty-plea conviction and sentence for importing more than 50 kilograms of marijuana. He argues that 21 U.S.C. §§ 952 and 960(a) and (b) are unconstitutional in light of Apprendi v. New Jersey, 530 U.S. 466 (2000). Tabarez raises an issue that he concedes is foreclosed but seeks to preserve for further review.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

This argument is foreclosed by our decision in United States v. Slaughter, 238 F.3d 580, 582 (5th Cir. 2000). Accordingly, Tabarez's conviction and sentence are AFFIRMED.