

June 21, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-41850
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CLAUDIO ROMERO GUEVARA,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:04-CR-1106-4

Before STEWART, DENNIS, and OWEN, Circuit Judges.

PER CURIAM:*

Claudio Romero Guevara appeals following his guilty plea conviction for possession with intent to distribute more than 1,000 kilograms of marijuana. He argues that 21 U.S.C. § 841 is unconstitutional in light of the Supreme Court's decision in Apprendi v. New Jersey, 530 U.S. 466 (2000). Guevara acknowledges that his argument is foreclosed by this court's precedent, 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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), but he seeks to preserve the issue for Supreme Court review.

Guevara's argument is foreclosed. Slaughter, 238 F.3d at 582; see United States v. Fort, 248 F.3d 475, 482-83 (5th Cir. 2001). Accordingly, the district court's judgment is AFFIRMED.