

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-51226
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JUAN ESTRADA, JR.,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
(SA-97-CR-62-ALL)
(SA-00-CV-529-HG)

October 19, 2001

Before HIGGINBOTHAM, WIENER, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Defendant-Appellant Juan Estrada, Jr., federal prisoner # 43539-080, has appealed the dismissal of his 28 U.S.C. § 2255 motion to vacate. He contends that his convictions and sentences for possession of cocaine with intent to distribute and possession of a firearm by a convicted felon are invalid on authority of Apprendi v. New Jersey, 530 U.S. 466 (2000).

Estrada is not entitled to relief under Apprendi because the prison terms he received do not exceed the statutory maximum. See

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

United States v. Salazar-Flores, 238 F.3d 672, 673-74 (5th Cir. 2001). Therefore the district court's failure specifically to address Estrada's Appendi claims was harmless error. See United States v. Green, 246 F.3d 433, 436-37 (5th Cir.), petition for cert. filed (U.S. Jul. 23, 2001)(No. 01-5463).

AFFIRMED.