

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-10963
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TRINIDAD DURON, also known as Trini,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:00-CR-477-2-X

June 18, 2002

Before HIGGINBOTHAM, DAVIS, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Trinidad Duron ("Duron") appeals the district court's sentencing following the jury conviction for conspiracy to possess with the intent to distribute methamphetamine and possession of firearms in furtherance of a drug trafficking crime. Duron contends that his sentence violates Apprendi v. New Jersey, 530 U.S. 466 (2000), because the factors used to increase his sentence were not submitted to the jury.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Duron's sentence does not exceed the statutory maximum, and therefore Apprendi is inapplicable. See United States v. Keith, 230 F.3d 784, 787 (5th Cir. 2000), cert. denied, 531 U.S. 1182 (2001).

Duron's sentence is AFFIRMED.