

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-11480
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE ALFONSO RAMIREZ, also known as Pepe,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:01-CR-41-1-C

August 21, 2002

Before HIGGINBOTHAM, DAVIS, and PARKER, Circuit Judges.

PER CURIAM:*

Jose Alfonso Ramirez appeals his guilty-plea convictions and sentences for conspiracy to possess cocaine with intent to distribute, possession of cocaine with intent to distribute, and distribution of cocaine. He contends that 21 U.S.C. § 841(b)(1)(A) and (B) are unconstitutional in light of Apprendi v. New Jersey, 530 U.S. 466 (2000). As Ramirez concedes, his argument is foreclosed by circuit precedent, but he raises the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

issue to preserve it for Supreme Court review. See United States v. Slaughter, 238 F.3d 580, 582 (5th Cir. 2000), cert. denied, 532 U.S. 1045 (2001). The judgment of the district court is AFFIRMED.