

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-31081
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHARLES RAY JOUBERT, also known as Pop,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 98-CR-60030-7

April 10, 2002

Before SMITH, DeMOSS, and PARKER, Circuit Judges.

PER CURIAM:*

Charles Ray Joubert appeals his sentence following his guilty plea conviction for distribution of cocaine and cocaine base. Joubert contends that his sentence was imposed in violation of Apprendi v. New Jersey, 530 U.S. 466 (2000). Because Joubert was sentenced below the statutory maximum for the offense charged in his indictment, there was no Apprendi violation. See United States v. Keith, 230 F.3d 784, 787 (5th Cir. 2000), cert. denied, 531 U.S. 1182 (2001).

AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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