

April 24, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-20765
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LUIS ALBERTO RIASCOS,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-02-CR-110-ALL

Before DAVIS, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Luis Alberto Riascos appeals his conviction and 180-month sentence following his guilty plea conviction to one count of possession with intent to distribute five kilograms of cocaine. Riascos contends 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, 488 (2000). As Riascos acknowledges, his argument is foreclosed by this court's precedent and is raised only to

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

preserve the issue for Supreme Court review. See United States v. Slaughter, 238 F.3d 580, 582 (5th Cir. 2000). Accordingly, Riascos' conviction and sentence are AFFIRMED.