

**FILED**

February 18, 2004

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 02-40233  
Conference Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SALVADOR ZAMORA-QUINTANILLA,

Defendant-Appellant.

-----  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. L-00-CR-937-8  
-----

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

PER CURIAM:\*

Salvador Zamora-Quintanilla appeals his guilty plea conviction and sentence for conspiracy to possess with intent to distribute more than ten kilograms of cocaine in violation of 21 U.S.C. §§ 846, 841(a)(1). He argues that 21 U.S.C. § 841 is unconstitutional in light of Apprendi v. New Jersey, 530 U.S. 466 (2000). Zamora-Quintanilla concedes that this court rejected his argument in United States v. Slaughter, 238 F.3d 580, 582 (5th Cir. 2000), but asserts that he is raising it to preserve it for

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Supreme Court review. As the argument is foreclosed by circuit precedent, the judgment of the district court is AFFIRMED.