

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-40456
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JESUS ISRAEL ARCE,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. M-01-CR-496-01

December 12, 2002

Before JOLLY, JONES, and CLEMENT, Circuit Judges.

PER CURIAM:*

Jesus Israel Arce appeals his guilty-plea conviction and sentence for possession with the intent to distribute more than 100 kilograms but less than 1000 kilograms of marijuana. Arce contends that 21 U.S.C. § 841 is unconstitutional in light of Apprendi v. New Jersey, 530 U.S. 466 (2000).

As Arce concedes, his argument is foreclosed by this court's decision in United States v. Slaughter, 238 F.3d 580, 582 (5th

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Cir. 2000), cert. denied, 532 U.S. 1045 (2001). He raises the issue only to preserve it for Supreme Court review. The judgment of the district court is AFFIRMED.