IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

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No. 02-40703 c/w 02-40750
Conference Calendar

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UNITED STATES OF AMERICA,

                                        Plaintiff-Appellee,

versus

ANDRES RODRIGUEZ, JR.,

                                        Defendant-Appellant.

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UNITED STATES OF AMERICA,

                                        Plaintiff-Appellee,

versus

ANDRES TORRES RODRIGUEZ,

                                        Defendant-Appellant.

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Appeal from the United States District Court
for the Southern District of Texas
USDC No. M-01-CR-736-1
- - - - - - - - - -
December 12, 2002

Before JOLLY, JONES, and CLEMENT, Circuit Judges.

PER CURIAM:[*]

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   [*] 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that this opinion should not be published and is not precedent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.

Andres Torres Rodriguez, also known as Andres Rodriguez, Jr., appeals from both his guilty-plea conviction for importation of cocaine and the judgment of revocation of his term of supervised release, which had been imposed for his conviction for conspiracy to distribute marijuana. These appeals were consolidated by this court.

For the first time on appeal, Rodriguez argues that the statutes under which he was convicted for importing cocaine and conspiring to distribute marijuana were rendered facially unconstitutional by the Supreme Court's holding in Apprendi v. New Jersey, 530 U.S. 466 (2000). Rodriguez acknowledges that this argument is foreclosed by this court's precedent and raises the argument solely to preserve it for possible Supreme Court review. See United States v. Slaughter, 238 F.3d 580, 582 (5th Cir. 2000), cert. denied, 532 U.S. 1045 (2001).

Rodriguez also contends that there was a clerical error in the judgment revoking his term of supervised release. Because this error was corrected in an amended judgment issued after Rodriguez filed his appeal brief, this issue is now moot.

Accordingly, the district court's judgment regarding Rodriguez's conviction for importation of cocaine and the district court's judgment revoking Rodriguez's term of supervised release are AFFIRMED.