

**FILED**

February 18, 2004

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-20664  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARINO LUIS GONZALEZ,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-02-CR-664-1  
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Before HIGGINBOTHAM, EMILIO M. GARZA, and PRADO, Circuit Judges.

PER CURIAM:\*

Marino Luis Gonzalez appeals his guilty-plea conviction for possession with intent to distribute and importation of cocaine. He argues that 21 U.S.C. §§ 841, 952, and 960 were rendered facially unconstitutional by Apprendi v. New Jersey, 530 U.S. 466, 490 (2000). He concedes that his argument is foreclosed by our opinion in United States v. Slaughter, 238 F.3d 580, 581-82 (5th Cir. 2000), which rejected a broad Apprendi-based attack on

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

the constitutionality of 21 U.S.C. § 841. He raises the issue only to preserve it for Supreme Court review.

Slaughter applies directly to Gonzalez's drug-possession conviction and by analogy to his drug-importation conviction, given the similarities between 21 U.S.C. § 841(a) & (b) and 21 U.S.C. § 952 and § 960(a)(1) & (b). His appeal is foreclosed by Slaughter, and the judgment of the district court is therefore AFFIRMED.