

October 22, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-40411
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ISA MONIQUE SALINAS,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-02-CR-248-1

Before KING, Chief Judge, and JOLLY and STEWART, Circuit Judges.

PER CURIAM:*

Isa Monique Salinas appeals from her guilty-plea conviction for possession of more than 500 grams of cocaine with intent to distribute. Salinas contends for the first time on appeal that 21 U.S.C. § 841 is unconstitutional in view of Apprendi v. New Jersey, 530 U.S. 466 (2000). Salinas acknowledges that her argument is foreclosed by United States v. Slaughter, 238 F.3d 580, 582 (5th Cir. 2000), but she seeks to preserve her argument

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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for further review. The judgment of the district court is AFFIRMED.