

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-10880
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CECIL ANTONIO WILSON,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:00-CR-30-1-C

June 15, 2001

Before WIENER, DEMOSS, AND DENNIS, CIRCUIT JUDGES.

PER CURIAM:*

Cecil Antonio Wilson appeals the 210-month sentence imposed following his plea of guilty to the charge of possession of a firearm by a convicted felon, a violation of 18 U.S.C. § 922(g)(1). Wilson, who is represented by the Federal Public Defender's Office, contends that the aggravated-felony conviction that resulted in his increased sentence under 18 U.S.C. § 924(e)(1) was an element of the offense that should have been charged in the indictment.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Wilson concedes that this argument is foreclosed by *Almendarez-Torres v. United States*, 523 U.S. 224 (1998). He nevertheless seeks to preserve the issue for Supreme Court review in light of the decision in *Apprendi v. New Jersey*, 120 S. Ct. 2348 (2000). *Apprendi* did not overrule *Almendarez-Torres*. See *Apprendi*, 120 S. Ct. at 2362; see also *United States v. Dabeit*, 231 F.3d 979, 984 (5th Cir. 2000)(noting that the Supreme Court in *Apprendi* expressly declined to overrule *Almendarez-Torres*), cert. denied, ___ S. Ct. ___ (U.S. Feb. 26, 2001)(No. 00-8299), 2001 WL 77067. Wilson's argument is foreclosed. The judgment of the district court is AFFIRMED.