

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-51322  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DUNOIS DEE T. BEMAN,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. MO-98-CR-2-2  
- - - - -

October 26, 2001

Before WIENER, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:\*

Dunois "Dee" T. Beman appeals from his sentence following resentencing for conspiring to manufacture methamphetamine and aiding and abetting the manufacture of methamphetamine. He argues that his sentence is invalid pursuant to Apprendi v. New Jersey, 530 U.S. 466 (2000), because it was based upon the district court's determination of drug quantity and such quantity was neither submitted to a jury nor found beyond a reasonable doubt.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

This court has declined to apply Apprendi when a sentence is enhanced within the statutory range based upon a drug-quantity finding. United States v. Keith, 230 F.3d 784, 787 (5th Cir. 2000), cert. denied, 121 S. Ct. 1163 (2001); United States v. Doggett, 230 F.3d 160, 166 (5th Cir. 2000), cert. denied, 121 S. Ct. 1152 (2001); United States v. Meshack, 225 F.3d 556, 575-77 (5th Cir. 2000), cert. denied sub nom., Parker v. United States, 531 U.S. 1100 (2001), amended on reh'g, 244 F.3d 367 (5th Cir. 2001). Beman concedes that his sole argument on appeal is foreclosed by this court's precedent, but he urges this court to reconsider the issue.

The above-cited cases are binding on this court. See United States v. Ruff, 984 F.2d 635, 640 (5th Cir. 1993). Accordingly, the district court's judgment is AFFIRMED.