

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-20510
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CESAR MORENO, SR.,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-95-CR-142-34

April 26, 2002

Before DeMOSS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:*

Cesar Moreno, Sr., appeals his sentence following his conviction on one count of conspiracy to possess with intent to distribute more than 1000 kilograms of marijuana and one count of conspiracy to launder money, violations of 18 U.S.C. § 1956 and 21 U.S.C. §§ 841, 846. He relies on Apprendi v. New Jersey, 530 U.S. 466, 490 (2000), for the proposition that the district court erred

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

in sentencing him to life imprisonment because his indictment did not allege a specific quantity of marijuana.

Because Moreno did not raise this argument in the district court, we review for plain error. See United States v. Calverley, 37 F.3d 160, 162-64 (5th Cir. 1994) (en banc). Moreno has not shown error, plain or otherwise, in connection with his life sentence. Contrary to Moreno's assertions, his indictment alleged a drug quantity range that is sufficient under Apprendi and its progeny; his argument is squarely foreclosed by this court's precedent. See United States v. Clinton, 256 F.3d 311, 314-15 (5th Cir. 2001). Accordingly, the judgment of the district court is AFFIRMED.