

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 01-40677  
Conference Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ALEJANDRO RAMIREZ-IZAGUIRRE,

Defendant-Appellant.

-----  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. B-01-CR-3-1  
-----

April 11, 2002

Before SMITH, DeMOSS, and PARKER, Circuit Judges.

PER CURIAM:\*

Alejandro Ramirez-Izaguirre appeals his conviction upon entry of a guilty plea to a charge of possession with intent to distribute approximately 108.9 kilograms of marijuana, a violation of 21 U.S.C. § 841. Ramirez-Izaguirre contends that 21 U.S.C. § 841 is unconstitutional in light of the Supreme Court's decision in Apprendi v. New Jersey, 530 U.S. 466, 488 (2000). Ramirez-Izaguirre acknowledges that his argument is foreclosed by this court's precedent. United States v. Slaughter, 238 F.3d 580, 582 (5th Cir. 2000), cert. denied, 532

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

U.S. 1045 (2001), but he seeks to preserve the issue for Supreme Court review.

Ramirez-Izaguirre's argument is foreclosed. Slaughter, 238 F.3d at 582; see United States v. Fort, 248 F.3d 475, 482-83 (5th Cir.), cert. denied, 122 S. Ct. 405 (2001). Accordingly, the district court's judgment is AFFIRMED.