

December 17, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-40285
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TODD W. ALTSCHUL,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:02-CR-137-ALL

Before KING, Chief Judge, and DeMOSS and CLEMENT, Circuit Judges.

PER CURIAM:*

Following a jury trial, Todd W. Altschul was convicted of five counts of mail fraud and sentenced to serve 87 months in prison and a three-year term of supervised release. Altschul argues that his sentence violates the principles enunciated in Blakely v. Washington, 124 S. Ct. 2531, 2537 (2004). This argument is foreclosed by United States v. Pineiro, 377 F.3d 464 (5th Cir. 2004), petition for cert. filed (U.S. July 14, 2004) (No. 04-5263). All outstanding motions are DENIED, and the judgment of the district court is AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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