

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-41430  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

FELIPE ALBERTO GONZALEZ,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. L-99-CR-284-1  
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August 22, 2000

Before KING, Chief Judge, and POLITZ and WIENER, Circuit Judges.

PER CURIAM:\*

Felipe Alberto Gonzalez appeals his sentence from his guilty-plea conviction for possession with the intent to distribute heroin. We decline the appellee's suggestion to dismiss the appeal without consideration of the arguments submitted by Gonzalez's retained counsel.

Gonzalez challenges the prior conviction used to enhance his sentence pursuant to 21 U.S.C. § 851. He contends that his prior conviction is unconstitutional because the applicable Texas statute at the time of that conviction, 1968, treated differently

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

males and females of the same age for purposes of trying seventeen-year old individuals as adults. Gonzalez's argument is foreclosed by the limitation period of § 851(e). See United States v. Gonzales, 79 F.3d 413, 426-27 (5th Cir. 1996).

Gonzalez also challenges the district court's decision not to award Gonzalez the additional one-level reduction to his offense level pursuant to U.S.S.G. § 3E1.1(b). We detect no clear error by the district court. See United States v. Williams, 74 F.3d 654, 656-57 (5th Cir. 1996).

AFFIRMED.