

June 21, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-40011
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RAMON GUERRERO-TEJADA, also known as Ramon Guerrero-Lopez,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:05-CR-401

Before STEWART, DENNIS, and OWEN, Circuit Judges.

PER CURIAM:*

Ramon Guerrero-Tejada (Guerrero) pleaded guilty to possession with intent to distribute 262.1 kilograms of marijuana and was sentenced to 108 months of imprisonment, four years of supervised release, and a \$100 special assessment.

Guerrero 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 (2000). Guerrero acknowledges that his argument is foreclosed by this court's precedent, United States

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

v. Slaughter, 238 F.3d 580, 582 (5th Cir. 2000), but he seeks to preserve the issue for Supreme Court review.

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