

April 12, 2006

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-41260  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RICARDO DELEON SALINAS,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 1:04-CR-614-ALL  
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Before JONES, Chief Judge, and JOLLY and DAVIS, Circuit Judges.

PER CURIAM:\*

Ricardo DeLeon Salinas appeals his guilty-plea conviction and sentence for possession of 500 grams or more of cocaine with intent to distribute, in violation of 21 U.S.C. § 841(a) and (b). The district court imposed a statutory mandatory minimum prison sentence of 60 months and a supervised-release term of four years.

For the first time on appeal, Salinas contends that the district court lacked jurisdiction to convict and sentence him,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

on the ground that 21 U.S.C. § 841 is unconstitutional under Apprendi v. New Jersey, 530 U.S. 466 (2000). As he concedes, this argument is foreclosed by United States v. Slaughter, 238 F.3d 580, 582 (5th Cir. 2000).

AFFIRMED.