

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-4565

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

RUBEN PEREZ,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Malcolm J. Howard, District Judge. (CR-01-11)

Submitted: January 31, 2002

Decided: February 6, 2002

Before NIEMEYER, WILLIAMS, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Thomas P. McNamara, Federal Public Defender, G. Alan DuBois, Assistant Federal Public Defender, Raleigh, North Carolina, for Appellant. John Stuart Bruce, United States Attorney, Anne M. Hayes, Assistant United States Attorney, Ethan A. Ontjes, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Ruben Perez appeals his conviction pursuant to a guilty plea to possession with intent to distribute more than 100 kilograms of marijuana, in violation of 21 U.S.C.A. § 841 (West 1999 & Supp. 2001). Because 21 U.S.C.A. § 841 is not rendered unconstitutional by Apprendi v. New Jersey, 530 U.S. 466 (2000), which is the sole issue Perez asserts on appeal, we affirm Perez's conviction and sentence. See United States v. McAllister, 272 F.3d 228, 232 (4th Cir. 2001). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED