

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-4590**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JAMIE MICHELLE BOOMER,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Fox, Senior District Judge. (CR-01-33-FO)

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Submitted: February 13, 2002

Decided: February 28, 2002

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Before WIDENER and TRAXLER, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Jamie Michelle Boomer appeals her conviction, in the wake of her guilty plea pursuant to a written plea agreement, to one count of conspiring to distribute methamphetamine. See 21 U.S.C.A. §§ 841, 846 (West 1999 & Supp. 2001). The only issue Boomer raises on appeal is that § 841 is unconstitutional in light of Apprendi v. New Jersey, 530 U.S. 466 (2000), a claim previously considered and rejected by this Court in United States v. McAllister, 272 F.3d 228, 231-33 (4th Cir. 2001). Accordingly, we affirm Boomer's conviction and sentence and 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