

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

October 22, 2008

No. 07-30604
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

LEONARD LYLE FONTENOT

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 2:04-CR-20059-7

Before KING, BARKSDALE, and OWEN, Circuit Judges.

PER CURIAM:*

Leonard Lyle Fontenot was convicted by a jury of conspiracy to possess cocaine base, methylenedioxy amphetamine (ecstasy), and marijuana with intent to distribute (Count One), and one count of possession of cocaine base with intent to distribute (Count Five). He appeals the mandatory life sentence imposed as to Count One on the basis that it violated his Sixth Amendment right to have a jury determine the facts of his prior drug convictions. As Fontenot concedes, his argument is foreclosed. See *Apprendi v. New Jersey*, 530 U.S. 466, 490 (2000);

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 07-30604

United States v. Pineda-Arrellano, 492 F.3d 624, 625-26 (5th Cir. 2007), cert. denied, 128 S. Ct. 872 (2008).

The judgment of the district court is **AFFIRMED**.