

October 21, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-40322
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DAVID ALEX MARTINEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. G-03-CR-9-1

Before JOLLY, JONES, and WIENER, Circuit Judges.

PER CURIAM:*

David Alex Martinez appeals the sentence imposed following his guilty-plea conviction of violating 18 U.S.C. §§ 922(g)(1) and 924(a)(2) by being a felon in possession of a firearm. Martinez argues that the district court lacked the authority under 18 U.S.C. § 3584(a) to order that he serve his federal sentence consecutively to any state sentence that may be imposed against him in the future.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

As Martinez acknowledges, his argument is foreclosed by this court's opinion in United States v. Brown, 920 F.2d 1212, 1216-17 (5th Cir. 1991). Martinez raises the argument solely to preserve it for possible Supreme Court review.

Accordingly, the judgment of the district court is AFFIRMED.