

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-51248
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RODOLFO V. ELORREAGA,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-00-CR-143-1-EP

October 29, 2001

Before WIENER, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Rodolfo V. Elorreaga appeals his guilty-plea conviction for being a felon in possession of a firearm. Elorreaga argues that 18 U.S.C. § 922(g)(1) is unconstitutional. Elorreaga concedes that his arguments are foreclosed by this court's precedent, but he seeks to preserve the issue for Supreme Court review.

"This court has repeatedly emphasized that the constitutionality of § 922(g)(1) is not open to question." See United States v. De Leon, 170 F.3d 494, 499 (5th Cir.), cert.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

denied, 528 U.S. 863 (1999). The judgment of the district court is AFFIRMED.