

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-20119  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JEROME LaBOOKER BEATTY,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-00-CR-268-ALL  
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February 21, 2002

Before JOLLY, JONES, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Jerome LaBooker Beatty appeals his jury-trial conviction for being a felon in possession of a firearm possessed in and affecting interstate commerce, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). Beatty argues that this court should reconsider its jurisprudence regarding the constitutionality of 18 U.S.C. § 922(g)(1) in light of Jones v. United States, 529 U.S. 848 (2000), and United States v. Morrison, 529 U.S. 598 (2000).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

"This court has repeatedly emphasized that the constitutionality of § 922(g)(1) is not open to question." See United States v. Daugherty, 264 F.3d 513, 518 (5th Cir. 2001); United States v. De Leon, 170 F.3d 494, 499 (5th Cir.); cert. denied, 528 U.S. 863 (1999). Beatty concedes that his argument is foreclosed by case law from this circuit. He raises his argument solely to preserve it for Supreme Court review. The judgment of the district court is AFFIRMED.