

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-20812  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ADAM SALINAS RIVERA,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-01-CR-134-1  
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August 20, 2002

Before HIGGINBOTHAM, DAVIS, and PARKER, Circuit Judges.

PER CURIAM:\*

Adam Salinas Rivera appeals his guilty-plea conviction for possession of a machinegun in violation of 18 U.S.C. § 922(o). He asserts that his conviction should be vacated because the statute's ban on the mere intrastate possession of a machinegun is unconstitutional.

In United States v. Knutson, 113 F.3d 27 (5th Cir. 1997), we upheld the constitutionality of 18 U.S.C. § 922(o). "Until the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Supreme Court suggests otherwise, we are bound by Knutson." United States v. Polk, 118 F.3d 286, 294 (5th Cir. 1997). We are unpersuaded that the Supreme Court's decision in United States v. Morrison, 529 U.S. 598 (2000), undermines our precedent in Knutson. Rivera's constitutional challenge to 18 U.S.C. § 922(o) consequently is foreclosed. The judgment of the district court is AFFIRMED.

Rivera has also filed a petition for initial hearing by the en banc court. Because Rivera fails to meet the stringent standards for cases warranting initial en banc consideration, see FED. R. APP. P. 35(a); Point Landing, Inc. v. Omni Capital Int'l, Ltd., 795 F.2d 415, 419 (5th Cir. 1987)(en banc), his petition for initial hearing en banc is DENIED.

JUDGMENT AFFIRMED; PETITION FOR EN BANC HEARING DENIED.