

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-21138
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOE RAYMOND FAULKNER, JR.,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-00-CR-710-ALL

August 20, 2002

Before HIGGINBOTHAM, DAVIS, and PARKER, Circuit Judges.

PER CURIAM:*

Joe Raymond Faulkner, Jr., appeals his conviction and sentence after his guilty-plea conviction for possession of a firearm by a felon, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). Faulkner's challenges to his conviction are based on the constitutionality of 18 U.S.C. § 922(g), the sufficiency of the indictment, and the sufficiency of the factual basis for the plea. Faulkner concedes, however, that these arguments are

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

foreclosed and that they are being raised to preserve them for possible further review. Faulkner's arguments challenging his conviction are indeed foreclosed. See United States v. Daugherty, 264 F.3d 513, 518 (5th Cir. 2001), cert. denied, 122 S. Ct. 1113 (2002); United States v. Gresham, 118 F.3d 258, 264-65 (5th Cir. 1997); United States v. Kuban, 94 F.3d 971, 973 (5th Cir. 1996); and United States v. Rawls, 85 F.3d 240, 242-43 (5th Cir. 1996).

Faulkner also challenges his sentence on the ground that the district court impermissibly delegated its payment-setting authority to the Probation Office. Faulkner did not object to the cost-payment conditions at sentencing; accordingly, we review the claim for plain error. See United States v. Calverley, 37 F.3d 160, 162-64 (5th Cir. 1994)(en banc). Faulkner has failed to establish plain error. See United States v. Warden, 291 F.3d 363 (5th Cir. 2002). Accordingly, Faulkner's conviction and sentence are AFFIRMED.