

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 02-20069  
Conference Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE GUADALUPE RIVERA,

Defendant-Appellant.

-----  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-01-CR-423-1  
-----

February 20, 2003

Before WIENER, EMILIO M. GARZA, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Jose Guadalupe Rivera appeals his conviction of being a felon in possession of a firearm. He argues that 18 U.S.C. § 922(g)(1) is facially unconstitutional because it does not require a "substantial" effect on interstate commerce. He also contends that, if a substantial effect on interstate commerce is required for a 18 U.S.C. § 922(g)(1) conviction, his indictment and the evidence supporting his conviction were insufficient.

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Rivera correctly acknowledges that his arguments are foreclosed by this court's precedent. See United States v. Daugherty, 264 F.3d 513, 518 (5th Cir. 2001), cert. denied, 534 U.S. 1150 (2002). His conviction is AFFIRMED.