

August 20, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-21302  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

VIDAL FLORES-BARRERA,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-02-CR-251-1  
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Before JONES, WIENER, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Vidal Flores-Barrera ("Flores") appeals his conviction of being an illegal alien in possession of a firearm in violation of 18 U.S.C. § 922(g)(5)(A). Flores contends that 18 U.S.C. § 922(g) is unconstitutional. Flores acknowledges that his appellate argument is foreclosed by circuit precedent. Nevertheless, Flores seeks to preserve the issue for Supreme Court review.

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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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 18 U.S.C. 922(g) is not open to question. See United States v. Daugherty, 264 F.3d 513, 518 (5th Cir. 2001), cert. denied 534 U.S. 1150 (2002). Because the factual basis indicated that the firearm Flores possessed was not manufactured in Texas, Flores' conviction was supported by the evidence. See United States v. Rawls, 85 F.3d 240, 242 (5th Cir. 1996).

AFFIRMED.