

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

September 17, 2003

Charles R. Fulbruge III  
Clerk

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No. 03-20290  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOHN CLIFFORD BLACKWELL,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-02-CR-181-1  
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Before SMITH, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:\*

John Clifford Blackwell appeals his guilty-plea conviction of one count of producing child pornography and his resulting 116-month prison sentence. Blackwell argues that the statute of conviction, 18 U.S.C. § 2251(a), is an unconstitutional exercise of Congress' Commerce Clause powers because it permits a conviction when the only connection with interstate commerce is the fact that the materials used to produce the offending images traveled in

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

interstate commerce at some point in time. This argument is unavailing. See United States v. Kallestad, 236 F.3d 225, 231 (5th Cir. 2000). The judgment of the district court is AFFIRMED.