

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-41558
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ANDRE RAYMOND REESCANO,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:98-CR-88-ALL

October 29, 1999

Before POLITZ, HIGGINBOTHAM, and WIENER, Circuit Judges.

PER CURIAM:*

Defendant-Appellant Andre Raymond Reescano appeals his jury-trial conviction for interference with commerce by robbery and use of a firearm during and in relation to a crime of violence. Reescano makes interrelated arguments that the evidence was insufficient to prove beyond a reasonable doubt that the robbery affected interstate commerce and that the Hobbs Act is unconstitutional as applied to his case because the robbery had only a *de minimis* effect upon interstate commerce. Reescano's arguments are foreclosed by prior decisions of this court. See

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

United States v. Hickman, 179 F.3d 230 (5th Cir. 1999)(en banc),
aff'g United States v. Hickman, 151 F.3d 446, 456 (5th Cir.
1998); United States v. Robinson, 119 F.3d 1205 (5th Cir. 1997),
cert. denied, 118 S. Ct. 1104 (1998).

AFFIRMED.