United States Court of Appeals
Fifth Circuit
F I L E D
August 25, 2004
Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-21164
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

SAMUEL JAMES WILLIAMS

Defendant - Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-03-CR-227-1

Before KING, Chief Judge, and HIGGINBOTHAM and PICKERING, Circuit Judges.

PER CURIAM:*

Samuel James Williams was convicted in a bench trial of being a felon in possession of a firearm. He argues on appeal that the district court erroneously based its denial of his motion to suppress on Fields v. City of South Houston, 922 F.2d 1183 (5th Cir. 1991), because Fields has since been implicitly overruled by intervening Supreme Court cases, including Wilson v. Arkansas, 514 U.S. 927 (1995), and Atwater v. City of Lago Vista, 532 U.S. 318 (2001).

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 is bound by its decision in Fields unless the Supreme Court intervenes and implicitly or explicitly overrules Fields. See United States v. Short, 181 F.3d 620, 624 (5th Cir. 1999). "[F]or a panel of this court to overrule a prior decision, we have required a Supreme Court decision that has been fully heard by the Court and establishes a rule of law inconsistent with our own." Causeway Medical Suite v. Ieyoub, 109 F.3d 1096, 1103 (5th Cir. 1997), overruled on other grounds by Okpalobi v. Foster, 244 F.3d 405 (5th Cir. 2001)(en banc). Wilson did not consider any aspect of the Fields rule that a warrant is not required for arrests for misdemeanors occurring outside of an arresting officer's presence. See Wilson, 514 U.S. at 929-37. In Atwater, the Supreme Court specifically declined to consider whether "the Fourth Amendment entails an 'in the presence' requirement for purposes of misdemeanor arrests." Atwater, 532 U.S. at 340 n.11. Therefore, Wilson and Atwater did not establish a rule of law different from that in Fields and we are bound by our decision in Fields. See Causeway Medical Suite, 109 F.3d at 1103.

Williams also argues that Atwater and Maryland v. Pringle, 124 S. Ct.795 (2003), plainly suggest that there is a presence requirement for warrantless misdemeanor arrests. However, neither Atwater nor Pringle specifically considered this issue. See Pringle, 124 S. Ct. at 798-99; Atwater, 532 U.S. at 340 n.11. Therefore, the district court's decision is AFFIRMED.