

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-20576  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHRISTOPHER JOHNSON,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-99-CR-648-1  
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February 13, 2001

Before SMITH, BARKSDALE, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Christopher Johnson appeals his guilty-plea conviction for receiving a firearm while under a felony indictment in violation of 18 U.S.C. § 922(n). He contends that 18 U.S.C. § 922(n) is unconstitutional as applied in his case because it lacks a sufficient nexus to interstate commerce. Johnson concedes that this circuit has held 18 U.S.C. § 922(g) constitutional and that the holding applies equally to 18 U.S.C. § 922(n). Johnson argues that we should reconsider our jurisprudence regarding the constitutionality of 18 U.S.C. § 922(g) in light of Jones v.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

United States, 120 S. Ct. 1904 (2000) and United States v. Morrison, 120 S. Ct. 1740 (2000). "This court has repeatedly emphasized that the constitutionality of § 922(g)(1) is not open to question." See United States v. De Leon, 170 F.3d 494, 499 (5th Cir.), cert. denied, 120 S. Ct. 156 (1999). The cases cited by Johnson do not affect this determination and, therefore, cannot serve to support a challenge to a conviction under 18 U.S.C. § 922(n).

AFFIRMED.