

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-20850
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ARMANDO NAMBO SIERRA,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-00-CR-220-1

March 20, 2001

Before SMITH, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Armando Nambo Sierra appeals his guilty-plea conviction for being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g). He contends that § 922(g) is unconstitutional as applied in his case because it lacks a sufficient nexus to interstate commerce; therefore, the factual basis supporting his guilty plea was inadequate. Sierra concedes that this circuit has held 18 U.S.C. § 922(g) constitutional, but argues that we should reconsider our jurisprudence regarding the constitutionality of the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

statute in light of Jones v. United States, 529 U.S. 848 (2000), and United States v. Morrison, 529 U.S. 598 (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 Sierra do not affect this determination and, therefore, cannot serve to support a challenge to a conviction under § 922(g).

AFFIRMED.