

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-20130
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

AUBREY LEON BAILEY,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-00-CR-556-ALL

October 25, 2001

Before WIENER, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Aubrey Leon Bailey appeals from his conviction of one count of being a felon in possession of a firearm. He argues that the factual basis tendered was insufficient to support his conviction on the federal firearms charge because the interstate commerce nexus required by 18 U.S.C. § 922(g)(1) was not established. "This court has repeatedly emphasized that the constitutionality of § 922(g)(1) is not open to question." United States v. De Leon, 170 F.3d 494, 499 (5th Cir. 1999), cert. denied, 528 U.S. 863 (1999). The judgment of the district court is AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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