

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-20173
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARK ANTHONY HORTON,

Defendant-

Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-00-CR-439-ALL

October 4, 2001

Before DAVIS, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:*

Mark Anthony Horton appeals from his guilty-plea conviction for being a felon in possession of a firearm. He argues that 18 U.S.C. § 922(g)(1) is unconstitutional when the only interstate commerce nexus is the mere fact that the firearm at some point traveled interstate.

“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). Recent decisions by the Supreme Court do not alter this ruling. 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.