

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-20212
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JERAMIE NELSON,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-00-CR-676-1

October 25, 2001

Before WIENER, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Jeramie Nelson appeals his guilty-plea conviction for being a felon in possession of ammunition, in violation of 18 U.S.C. § 922(g)(1). Nelson contends that the factual basis was insufficient to support his guilty plea because the interstate commerce element of 18 U.S.C. § 922(g)(1) cannot constitutionally be construed to cover ammunition that had simply traveled across state lines at some point in the past.

The Government's allegation that the ammunition was manufactured in South Dakota and possessed by Nelson in Texas

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

provided a sufficient factual basis for the interstate commerce element of 18 U.S.C. § 922(g)(1). See United States v. Daugherty, 264 F.3d 513 (5th Cir. 2001), 2001 WL 984679, **1, 4, n.12. As this court recently reaffirmed, "the constitutionality of [18 U.S.C.] § 922(g)(1) is not open to question." See id. (internal quotation marks and citation omitted). The judgment of the district court is AFFIRMED.