

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-20503
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SCOTTIE DEWAYNE NELSON,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-00-CR-728-ALL

February 21, 2002

Before JOLLY, JONES, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Scottie Dewayne Nelson appeals his guilty-plea conviction for being a felon in possession of a firearm possessed in and affecting interstate commerce, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). He contends that the factual basis was insufficient to support the interstate commerce element of an 18 U.S.C. § 922(g)(1) offense and that this court should reconsider its jurisprudence regarding the constitutionality of 18 U.S.C. § 922(g)(1) in light of Jones v. United States, 529 U.S. 848 (2000), and United States v. Morrison, 529 U.S. 598

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

(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. 1999); United States v. Daugherty, 264 F.3d 513, 518 (5th Cir. 2001). The judgment of the district court is AFFIRMED.