

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-50343  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GILBERT TIJERINA,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. SA-00-CR-597-ALL  
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December 12, 2001

Before HIGGINBOTHAM, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:\*

Represented by the Federal Public Defender, Gilbert Tijerina challenges the sentence from his guilty-plea conviction for possession of a firearm by a convicted felon. He argues that his prior conviction under Texas law, unauthorized use of a vehicle, is not a crime of violence as defined by U.S.S.G. § 4B1.2, and therefore, the district court erroneously set the base offense level at 20 pursuant to U.S.S.G. § 2K2.1(a)(4)(A). Tijerina acknowledges that his argument is foreclosed by United States v. Jackson, 220 F.3d 635, 636-39 (5th Cir. 2000), cert. denied, 121

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

S. Ct. 1640 (2001). He seeks to preserve the issue for possible review by the Supreme Court.

One panel of this court may not overrule a decision made by a prior panel absent en banc consideration, a change in relevant statutory law, or an intervening decision by the Supreme Court. United States v. Zuniga-Salinas, 952 F.2d 876, 877 (5th Cir. 1992) (en banc). Accordingly, we AFFIRM the judgment by the district court.