

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-10438  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LEROY HENDERSON, JR.,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:01-CR-113-1  
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January 8, 2003

Before JONES, STEWART, and DENNIS, Circuit Judges.

PER CURIAM:\*

Leroy Henderson, Jr., appeals from his conviction and sentence for felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). He raises two issues on appeal. He argues first that 18 U.S.C. § 922(g)(1) is unconstitutional on its face and as applied because it does not require a substantial effect on interstate commerce. He acknowledges that his argument is foreclosed by circuit precedent, but he seeks to preserve the issue

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

for possible Supreme Court review. As Henderson concedes, this issue is foreclosed. See United States v. Daugherty, 264 F.3d 513, 518 (5th Cir. 2001), cert. denied, 534 U.S. 1150 (2002); United States v. Cavazos, 288 F.3d 706, 712 (5th Cir.), cert. denied, 123 S. Ct. 253 (2002).

Henderson next argues that the district court erred by not granting him a reduction in his offense level for acceptance of responsibility under U.S.S.G. § 3E1.1. We are unpersuaded by Henderson's argument and conclude based on our review of the trial record that he has not met his burden of showing that the district court's denial of the reduction was without foundation. See United States v. Thomas, 120 F.3d 564, 574-75 (5th Cir. 1997); United States v. Maldonado, 42 F.3d 906, 913 (5th Cir. 1995).

AFFIRMED.