

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 02-21030
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CURTIS LEE SMITH,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-02-CR-131-1
- - - - -

Before DAVIS, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Curtis Lee Smith appeals his guilty-plea conviction of possession of a firearm by a convicted felon, a violation of 18 U.S.C. § 922(g).

Smith argues that the factual basis offered in support of his guilty plea was insufficient to support the interstate-commerce element of his offense, because it showed nothing more than that his gun traveled across state lines at some point in the past. He concedes that this argument is foreclosed by

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

circuit precedent. See United States v. Daugherty, 264 F.3d 513, 518 & n.12 (5th Cir. 2001), cert. denied, 534 U.S. 1150 (2002).

He raises the issue to preserve it for Supreme Court review.

AFFIRMED.